



State of Florida
Ninth Judicial Circuit of Florida

Eric DuBois
County Judge

ORANGE COUNTY COURT BUILDING
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Guidelines and Procedures
County Civil Division 72
Judge Eric H. DuBois
Orange County Judge
Isaac Wootson, Judicial Assistant
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In order to assist self-represented litigants (previously referred to as “*pro se litigants*”) and attorneys, the following guidelines and procedures are adopted for County Civil Division 72 in Orange County, Florida when practicing before Judge Eric DuBois. ***Please note*** these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below.

Small Claims Action

If you file a **Small Claims** action (damages sought are \$8,000 or less) it will be set for a **Pre-Trial Conference/Mediation** (Clerk sets the date and time on Summons). Assuming service of process has been timely perfected, parties will conduct a telephonic or Zoom Pre-Trial Conference. Parties are encouraged to resolve cases prior to the pre-trial date

but they still must appear at the Pre-Trial Conference to meet with Judge and make sure the agreement has been approved by the Court. Attorney can appear at Mediation without client in a Small Claims action if they have full settlement authority. **Pre-Trial Conference may only be continued by Court Order.**

If a party fails to appear at Pre-Trial Conference/Mediation, opposing side can request a Clerk's Default or Court Dismissal of Action. Attorneys wanting a Clerk's Default must submit the Order to the Clerk's office. Clerk will not provide a Default Order to an attorney. If default entered, submit Default Final Judgment packet to Judge, via the Clerk so all pleadings/affidavits are properly filed.

Note: Administrative Order effective October 7, 2021 (2009-12-03) regarding First Party Insurance Claims. While these cases maybe filed as Small Claims cases, the Rules of Civil Procedure are invoked upon filing of action.

County Court Action

If you file a **County Court** claim (\$8,001 to \$50,000) no mediation date will be set. Defendant typically has 5 to 20 days to reply after service (see Summons for response date). If Defendant fails to respond the Plaintiff can move for a Clerk's Default. If Defendant is pro se and files a response to complaint, Court likely to refer to Mediation office at Courthouse (\$60 mediation fee each party; Mediation office asks that you kindly pay in advance!). Landlord Tenant actions are treated differently pursuant to Florida law.

All Parties must be familiar with Ninth Judicial Circuit Administrative Order 2021-04-01, Order Governing Civil Case Management and Resolution.

Hearings

Self-Represented Litigants – Written requests for relief or judicial action, known as a **Motion**, must be mailed to or filed with Clerk of Court. Do not fax to Clerk. The Clerk will deliver the Motion to the Judge to review. If a hearing is necessary, the Judicial Assistant will attempt to contact all parties to schedule a hearing. If unable to reach or fail to return a message, Judicial Assistant will set hearing date and time. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, email address (if any), printed name and signature. Mail copies of the Motion to all other litigants or their counsel if represented.

Ex Parte – Ex Parte hearings are held Tuesday, Wednesday and Thursday from 9:00 to 9:30am in Room 1400.01 (14th Floor) for **uncontested non-evidentiary hearings** that are **no more than 5 minutes**. Do not call Judicial Assistant to schedule. Give opposing side reasonable written notice of hearing. File Notice of Hearing with Clerk and serve a copy on opposing side. If Judge is hearing a contested matter between 9:00 and 9:30 am, you will be brought in as soon as possible. There is a **drop box** for Division 72 on the 14th Floor for documents for the Courts review and Orders for the Judge to sign.

Short Matters (ATTORNEYS ONLY ON BOTH SIDES) - These are not scheduled with the Court but ***MUST*** be coordinated with opposing counsel. The hearings are limited to 10 minutes with no evidence or testimony being taken. Division 72 conducts short matter hearings every Tuesday from 9-10 am. Parties may appear virtually by logging into <https://ninthcircuit.webex.com/meet/Div.72> . Counsel 24 hours prior to hearing shall email proposed Orders as well as the Notice of Hearing to the 72orange@ninthcircuit.org email with “SHORT MATTERS NOH” in subject line.

*The Court will **NOT** have Short Matters the week of September 11th.*

How to Schedule/Cancel a Hearing

Cancellation of Hearings:

It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are cancelled. The Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Notice of cancellations can be emailed to: 72orange@ninthcircuit.org.

For Contested Hearings:

ALL NON-EVIDENTIARY 15 MINUTES OR LESS WILL BE VIRTUAL UNLESS REQUESTED TO BE IN-PERSON.

ALL EVIDENTIARY HEARINGS INCLUDING NON-JURY TRIAL ARE IN-PERSON UNLESS OTHERWISE ORDERED

(1) **Using the Judicial Automated Calendaring System (JACS), select an available hearing date and time.** Go to the Court website, www.ninthcircuit.org. Click the “Attorney” link. Near the bottom of the Information column click the “Hearing Schedules” link. This takes you to JACS. Select the calendar for the division (72). Click the retrieve button and available hearing time for approximately the next 60 days is displayed in fifteen-minute increments. You can set hearings for less than 15 minutes.

Coordinate the date and time with opposing counsel/pro se party and.

(2) **Email the Judicial Assistant at 72orange@ninthcircuit.org, with a copy to all counsel/prose litigants, for the hearing to be added to the docket.** Your hearing time is not confirmed until you receive a reply email from the Judicial Assistant.

If you need more than 15 minutes for a hearing cover type of hearing with Judicial Assistant. Division 72 expects that you will file Motion before setting a hearing.

Court Reporter - If you want a record of hearing/trial **you must make arrangements** for a **Court Reporter**. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present in the hearing room/courtroom.

Interpreters - Unlike criminal cases, **County Civil does not provide language interpreters for litigants. You must make your own arrangements.** **Caveat** –Under the ADA, Court Administration will provide sign language interpreter in civil matters. Contact Court Administration no later than 2 working days in advance to arrange accommodation for hearing or voice impairment. See Administrative Order 2008-01-02.

Hearings/Trials cannot be cancelled unilaterally. You must email or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with Clerk's Office and fax/email to Judicial Assistant a notice of cancellation. If you settle a case, file dismissal with Clerk's Office, fax/email copy to Judicial Assistant and advise Judicial Assistant to take case off hearing/trial docket.

Emergency Hearings - If an emergency situation arises, counsel/pro se litigant may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. **The motion must be delivered to the Court before a hearing will be set.** The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will attempt to contact counsel/litigants to set the hearing. In light of the short setting, opposing counsel/litigant may attend the hearing via telephone if their schedule will not allow them to appear in person.

Cooperation of Counsel – If counsel/pro se litigant does not cooperate in scheduling a hearing, the requesting party may unilaterally set a hearing giving at least 14 days written notice (plus 5 days if mailed) to the opposing counsel/litigant who failed to cooperate. Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time.

Counsel of record must comply with the 9th Circuit “Meet and Confer” Rule

Caselaw/Exhibits - **Do not fax** copies of case law/exhibits/motions/orders to the Judge. Emails, especially day of hearing/trial, are strongly discouraged. Mail or hand deliver in advance of hearing/trial (**3 days prior**) a **jump drive containing all of the materials you intend to rely on at the Hearing/Trial. Binders are not accepted.** The Judge will make every effort to return the jump drive to you at the hearing. Keep in mind all Fed Ex/UPS deliveries addressed to the Judge are received by the Courthouse Mail Room and are delayed in delivery to the Judge. If you FedEx/UPS for next day morning delivery it may be two days before the Judge receives it. Binders are not accepted

Filing of Pleadings – E-File or Mail to Clerk's Office. Please understand if you e-file, it takes roughly 72 hours for that filing to appear in the clerks system for the Judge to see. If you go to the Clerk's Office, Room 310, to file a document/pleading in a case set for hearing within 48 hours, please tell the Clerk at the counter. He or she will make sure it makes it into the Court file/Odyssey.

Proposed Orders – All proposed orders must be emailed to 72orange@ninthcircuit.org. Orders sent through mail will no longer be accepted. For proposed orders where Plaintiff is represented and the Defendant is Pro Se, the Final Judgment needs a certificate of service with language that Plaintiff Counsel will mail to the Deft a copy of the Order and/or Fact Information sheet(if applicable) within 48 hours of the entry of the Order;

Bring proposed Orders to *ALL* hearings, with proper number of copies, and self-addressed stamped envelopes

Preparation - A well prepared attorney/pro se litigant should do the following at all Court Appearances:

(A) **Show up on time.** Division 72 has a 5 minute rule for Hearings and 10 minute rule for Trials. Fail to show up, fail to contact Court you are running late and the hearing or trial will start without you, even if your client is present.

(B) **Check In-** A docket is located outside of the Hearing Room, just initial by your name and have a seat. At the time of your Hearing the Deputy will open the door and call the halls for the parties to enter.

(C) **Bring proposed Order** with copies/stamped addressed envelopes; copies of case law/Statutes for Judge and opposing counsel; and copies of Motion, in case missing from Court File/Odyssey system. All materials for the Court to consider *MUST* be submitted 48 hours in advance and on a USB Flash Drive. The materials submitted to the Court must also be provided to the opposing party 48 hours prior to the Hearing.

(D) **Know proper Courtroom Decorum.** The Ninth Circuit has adopted the Orange County Bar Association Standards of Professionalism (see attached). If you are not sure about appropriate courtroom protocol, please ask.

All Telephonic/Virtual calls will be made from the Judge's hearing room. If we cannot reach you at a number provided we will either take no action or proceed without you. You appear by phone at your own risk and all evidentiary requirements still apply.

Discovery Disputes

Discovery Disputes – Attempt to resolve discovery disputes in good faith prior to scheduling a hearing. All County Civil Judges follow the guidelines set out in the 2007 Handbook on Discovery Practice.

Discovery Motion – The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. Motion must be set for hearing to bring the matter to the Court's attention. If no response or objection has been filed to initial

Supreme Court approved discovery requests (e.g. Fact Information Sheet, Interrogatories, etc.), the moving party may submit proposed order with the Motion. No hearing will be necessary.

Attorney Fees - **If you are seeking attorney fees you must, before filing a Motion to Compel** pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a **Motion for a Protective Order**, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, **confer with counsel** for the opposing party in a **good-faith effort** to resolve by agreement the issues raised, and **shall file** with the court at the time of filing of the motion a statement certifying that he/she has conferred with opposing counsel and that counsel have been unable to resolve the dispute.

As provided in Section (a) (4) of Rule 1.380, if the motion is granted, the court shall award expenses which may include attorney's fees. Review the 2007 Handbook on Discovery Practice, which is available on the Ninth Judicial Circuit website, www.ninthcircuit.org.

County Court Trial

County Court actions will be set for trial when they are at issue.

Non-Jury Trial - All hearings and trials are held in Hearing Room 1400.01 unless otherwise noted. In Division 72, for a **non-jury trial**, file a Notice for Trial (i.e. that the case is at issue) with the estimated time needed by all sides and Court will schedule a Status Conference Hearing, issue a Case Management Order/ Uniform Order Requiring Pre-Trial Matters to be completed or coordinate with parties to set trial date. You can also review JACS docket for available times, clear with opposing counsel/pro se litigant and then contact Judicial Assistant with your request for a date, time and length of trial. Court will ultimately decide trial date and how much time will be allocated for trial. If you need more than an hour suggest you set out reasons in writing to Judge.

Jury Trial - For a **jury trial** in Division 72, file a Notice for Trial and Judicial Assistant will schedule a Status Conference Hearing. Court will determine at hearing if case is at issue and if so, set on a Jury Trial Docket. Order of cases will be determined at Pre-Trial Conference, usually 10 days before start of trial period. After status conference court will issue a **Uniform Order Setting Case for Jury Trial and Pre-Trial Conference**.

Mediation, all hearings, and discovery must be completed before the Pre-Trial Conference.

Have A Question About Your Case?

Please understand that the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and pro se litigants, the Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file or by

simply filing an appropriate Motion.

When the Court signs an Order it is delivered to the Clerk for filing. Copies are mailed to the parties. If you want to know if an Order has been entered check with Clerk or wait for mailed copy. Court does not maintain copies of signed Orders.

Myorangeclerk.com- As of March 2009 County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for “**myclerk**”. Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember “o” as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the Clerk. You cannot open up a particular document (unless you go to Room 350 and use a computer in the Viewing Room); you essentially are looking at a docket index. It is the same one that the Judicial Assistant is looking at if you were to call with a question. Please use “myclerk” instead of calling the Judicial Assistant.

Electronic Filing - County Civil is part of the Electronic filing system used in Circuit Civil. You can electronically file County Civil pleadings. **Note:** the Judicial Assistants print mailing envelopes using the Odyssey system. If you know a name/address is erroneously listed in Odyssey, contact Clerk’s Office to modify. If address has changed, file Notice of Change of Address with Clerk’s Office. Clerk has complete authority over what goes into Odyssey. **Court Files** - Technically County Civil is “file less”. In other words the Judges do not need files as they can access Odyssey. If you file something today Clerk’s policy to have it displayed in Odyssey in 72 business hours. The reality is that it may be much longer.

E-MAIL Address Required: Effective October 1, 2022, **ALL** litigants are required to provide the Clerk of Courts a valid email address for service of Orders and Pleadings. If a party does not have a valid email address they must fill out an Affidavit attesting to the fact they don’t have email. These forms are available in Room 350, in the Civil Clerks Office.

Review File - If you want to review a file in person or see the pleadings listed in Odyssey go to **Viewing Room** located in Room 150. Using available computers, type in password “public” and navigate to file. No charge to view; \$1 per page to print out.

Confirm Upcoming Hearing - Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Click the “Attorney” link on right side and click the “Dockets” link toward the bottom of the Information column. Select the division and it will display scheduled hearings/trials for approximately the next two weeks.

Contact Information

Judge Eric DuBois

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