

**POLICIES, PROCEDURES AND PREFERENCES
FOR ALL CIVIL CASES ASSIGNED TO JUDGE FRANCIS J. ALLMAN**

SECTION 1 – INTRODUCTION: These are the supplemental requirements placed upon attorneys practicing before Judge Allman.

SECTION 2 – MOTION PRACTICE:

2.1 – Summary Judgment Motions – Shall be set and heard prior to pre-trial.

In foreclosure cases - Foreclosure packets must be provided to the Judge at least 10 days prior to a scheduled hearing. **In the case of a final evidentiary hearing/non-jury trial, the original Note and a copy of the Mortgage shall be filed with the Clerk of Court at least ten (10) days prior to the scheduled hearing/non-jury trial date.** (See Administrative Order No. 2013 - 3.)

2.2 – Certificate of Good Faith Conference - Before filing any motion, the moving party will confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion. **The motion shall recite the moving party has conferred with opposing counsel and they have:**

- *been unable to agree on the resolution of the motion;*
- *cleared the hearing dates with opposing counsel; or*
- *made a good faith effort to coordinate the scheduled hearing time and were unable to agree on a date and time.*

2.3 – Motions Decided on Papers and Memoranda – Motions, except those for summary judgment, may be considered and decided by the Court on the pleading, the court file, and memoranda, without hearing or oral argument. **Further, responses in opposition to a filed motion shall be filed within 10 days, otherwise the Court may rule on the motion without a hearing.** Request for additional time will be made by a motion filed before the date the response is due.

2.4 – Hearings or Oral Argument on Motions – Any party who seeks oral argument on a motion will contact the Judge's JA to schedule a hearing. No hearings will be scheduled until after a motion is e-filed with the Clerk of Court. Most motion hearings are not "stacked" and **the minimum hearing time is 15 minutes. If a witness is expected to testify, the witness and attorney must appear in person.** The movant shall provide a courtesy copy of the Notice of Hearing to the JA.

2.5 – Telephone Hearings - Telephone hearings for counsel in town are discouraged. *Counsel desiring to appear by telephone should request to do so one (1) week in advance of the hearing by filing a written motion (showing good cause), as contemplated by Fla. R. Jud. Admin. 2.530, and make appropriate arrangements with the JA or the attorney risks the motion being denied.*

- If two (2) or more attorneys request appearance by phone at a 15-minute hearing, the hearing shall be re-scheduled for a minimum of 30 minutes.

- If three (3) or more attorneys request appearance by phone, the hearing will be set for a minimum of 30 minutes and the attorney requesting appearance by phone will provide a toll-free conference call number for the parties and the Judge to call.

The proposed order granting telephonic appearance shall state: “the Judge will initiate the call” and provide a **direct telephone number** for the Judge’s convenience.

2.6 – Preparation of Orders – Any orders submitted by counsel shall be accompanied by a cover letter that contains a statement that the form of the order has or has not been agreed to by opposing counsel. If agreement cannot be reached as to the form of the order the movant (or the party directed by the Court to prepare the order), shall submit a proposed order and opposing counsel shall within 5 days submit an order using the legislative format (strike and underline), as to any deletions or additions that they request the Court to make in the proposed order. Multiple copies of the order and addressed stamped envelopes sufficient for all parties shall be submitted **OR if there are no *pro se* parties, the proposed order can be submitted to the Judge’s office in MS Word via email.**

2.7 – Emergency Motions – Needs to be an emergency, not just a motion labeled “emergency.”

SECTION 3 – CALENDARING OF TRIALS

- **Trial Setting** – The notice for trial **shall** contain the number of days counsel needs for the entire case to be presented (that includes jury selection, opening, presentation of plaintiff and defense cases, closing and jury deliberation). If opposing counsel believes that more time is needed, they shall immediately file a response to the notice for trial.
- The Judge’s entire trial calendar is available on an Excel worksheet and will be provided to assist you in the trial date selection process, along with the Judge’s additional instructions for setting trial.
- If non-jury trial time is anticipated to last more than one hour, a pretrial conference is required. A non-jury trial time anticipated to last less than one hour does not require a pretrial conference.
- **Trial Schedules** - Jury selection occurs the Friday before the trial period beginning at 9:00 a.m. and trials are stacked. If only 1 trial is scheduled and jury selection is completed prior to 3:00 p.m., the trial shall begin the day of jury selection.
- Generally, no lengthy motions (such as motions for summary judgment), will be considered during the pretrial conference.
- Upon settlement, it is the duty of the plaintiff to notify the Court.