

**POLICIES, PROCEDURES, AND PREFERENCES FOR ALL CASES ASSIGNED TO
JUDGE DAVID FRANK**

NOTE: Judge offices do NOT receive any notice of documents filed by parties or others via the e-filing portal. IF YOU DO NOT SEND A COURTESY COPY TO THE JUDGE'S JUDICIAL ASSISTANT, THE JUDGE WILL NOT SEE IT AND THERE WILL BE NO ACTION TAKEN.

SECTION 1 – HEARINGS

1.1 SCHEDULING HEARINGS

The Court adopts the scheduling procedures outlined in the Florida Bar Trial Lawyers Section's Guidelines for Professional Conduct as follows:

As soon as they become apparent, a lawyer should call to the attention of those affected, including the court or tribunal, potential scheduling conflicts or problems.

When scheduling hearings and other adjudicative proceedings, a lawyer should request an amount of time that is calculated to permit full and fair presentation of the matter to be adjudicated and to permit equal response by the lawyer's adversary.

Attorneys must, except in extraordinary circumstances, communicate with opposing counsel before scheduling depositions, hearings, and other proceedings — to schedule them at times that are mutually convenient for all interested persons.

On receipt of an inquiry concerning a proposed time for a hearing, deposition, meeting, or other proceeding, a lawyer promptly **should agree to the proposal or offer a counter suggestion that is as close in time as is reasonably possible.**

Counsel never should request a calendar change or misrepresent a conflict to obtain an advantage or delay.

The party seeking hearing time will email the Judicial Assistant and request open dates / times. The email request must:

state the case name and number;
identify the filed motion, complaint, or petition that will be the subject of the hearing; and
include a reasonable estimate of the amount of time necessary to hear from all parties or interested persons supporting and opposing the matter.

The Judicial Assistant will respond to the email and provide the earliest three open dates/times.

The requesting party will then clear one of the dates/times with all other persons entitled to be present at the hearing and email the Judicial Assistant to confirm that the date/time is still open.

If confirmed, the requesting party will file a notice of hearing and serve copies of the notice on all other parties and all persons entitled to notice under the applicable law and email a courtesy copy of the notice to the Judicial Assistant.

If the date/time is no longer available, the requesting party will follow the same procedure as outlined above to clear another open date/time.

If a party or person entitled to attend the hearing will not agree to any of the three dates/times, the party or person must promptly obtain an additional open date/time from the Judicial Assistant that is close in time to the originally provided three dates/times, and follow the procedure outlined above to clear and confirm it. The Court considers “close in time” to be within 14 days. Once confirmed, the party requesting the hearing will file serve the notice of hearing.

If the party or person not agreeing to one of the three originally provided dates/times does not clear and confirm the fourth open date/time, as provided above, the party requesting the hearing will promptly notify the Court, and **the Court will set the hearing.**

Parties and persons setting hearings should **not** copy the Judicial Assistant on any back-and-forth conversations regarding the coordination or clearing of dates and times.

1.2 Appearance by Telephone

A person may appear at a hearing by telephone for good cause. The responsible attorney must file a Notice of Telephonic Hearing and provide the Judicial Assistant a courtesy copy no later than two days prior to the hearing. The person appearing telephonically will call the Court at (850) 875-8041, no later than five minutes before the start of the hearing. If more than one person is appearing telephonically, the last person to request to appear by telephone will be responsible for setting up a conference call that includes all others appearing by telephone, so that only one call comes into the Court. A motion will not be required **unless a party objects or the hearing is an evidentiary hearing.**

1.3 Emergency Hearings

When a hearing request is made to the JA, the JA will automatically give the party requesting the hearing the earliest dates available. Simply wanting an earlier hearing date is not grounds for an emergency hearing. If counsel has good cause for an emergency hearing, a motion must be filed and it must contain a description of the emergency circumstances.

SECTION 2 – PROPOSED ORDERS

2.1 Submission of Proposed Orders

All proposed orders shall be emailed to abramitism@leoncountyfl.gov in Word format. Proposed Orders sent via e-mail **must** include a case number. Parties should not send orders for different cases in the same email.

2.2 No Return Copies of Signed Orders

Do not send extra copies of proposed orders or envelopes. There should be no reason for the Court to mail paper or hard copies of signed orders to the parties. All orders signed by the court will be promptly filed and, thus, transmitted to all parties via the filing portal. Copies of Orders from the portal have the same force and effect as signed copies mailed to lawyers and parties from the Court. The party who requested the order is responsible for ensuring that all pro se litigants, or others entitled to notice under the applicable law, are promptly provided a copy of the order.

SECTION 3 – PROBATE FORMS AND DOCUMENTS

3.1 Forms

Forms for almost all probate petitions, proposed orders, and required supporting documentation can be obtained from the Clerk's website, see link below. For example, a checklist and an affidavit of heirs must be filed in all cases, these can be found at: https://cvweb.clerk.leon.fl.us/public/court_services/probate/probate.asp

3.2 Death Certificates

When filing petitions for administration and dispositions without administration, an authenticated death certificate must be filed with the Clerk. E-filed copies of death certificates are not acceptable.

SECTION 4 – SELF REPRESENTED PETITIONERS

4.1 Submitting Petitions and Proposed Orders

Self-represented petitioners must submit a proposed order along with every petition, except for Dispositions Without Administration. Handwritten petitions and orders must be legible. Petitioners must also include their email address in the signature block of the petition, so the Court is able to contact you if necessary.

SECTION 5 – SETTING A CASE FOR TRIAL

5.1 Case Management Conference

A 30-minute case management conference will be held to set any matter for trial. Case managements may be set by the Court upon review of the case file, or upon motion by a party, after the matter is at issue and ready to be set for trial pursuant to Florida Rule of Civil Procedure 1.440. Form orders for setting trial are attached to this document. Counsel should be prepared to advise the court of all information necessary to complete the order during the conference. As noted in the order, mediation will be required. Unless otherwise ordered, jury selection is conducted the Friday before the trial period, beginning at 9:00 a.m. Motions will not be heard at

the pretrial conference unless cleared with the judge's office in advance and properly noticed. Trials are stacked during each trial period. Trials are not specifically set during any given trial period for particular dates. The parties must be prepared to try the case on any day(s) during the trial period. The Court will, however, attempt to accommodate the scheduling needs of the parties, counsel or witnesses.

5.2 Order Setting Trial and Pretrial Conference

See standard order under forms and procedures. If the parties have good cause to deviate from the standard order, a motion must be filed stating the requested change and the reason for the change, along with an agreed proposed order reflecting the change.

SECTION 6 - TRIAL AND HEARING EXHIBITS

6.1 Procedure for Submitting Exhibits

All exhibits must be clearly pre-marked with the party's designation and exhibit number. The pre-marked numbers will be used when admitted, regardless of the order in which they are admitted. Parties will ensure, to the fullest extent possible, that all paper exhibits are prepared for trial as follows:

- A) One-sided (front only);
- B) The most legible copy / clearest image;
- C) No staples;
- D) No post-its or other extraneous stickers;
- E) Letter size (8 ½ by 11); and
- F) No unnecessary binders, tabs, or folders.

Parties may, however, place exhibits in binders or folders with tabs and tables of contents as an additional courtesy copy to be used by the Court during the hearing or trial.

SECTION 7 - WRIT OF POSSESSION AFTER FORECLOSURE

If the only occupants of the premises are the mortgagors or spouses, children, or parents of the mortgagors, the titleholder should email an ex parte application / proposed order for the writ in Word format to the Judicial Assistant, see form also posted on this website.

If the occupants are tenants or renters, the titleholder must file an affidavit attesting to compliance with all applicable federal (Protection for Tenants at Foreclosure Act) and state (Florida Statute 83.561) laws, and must email a proposed order in Word format to the Judicial Assistant.