20030037812 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 2850 PG: 462, 04/22/2003 at 10:18 AM, BOB INZER, CLERK OF COURTS

IN THE COUNTY COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

TRAFFIC DIVISION

ADMINISTRATIVE ORDER 91-2

IN RE: CASE MANAGEMENT
POLICIES AND PROCEDURES,

WHEREAS Rule 2.085 of the Florida Rules of Judicial Administration imposes upon the Court the duty to control the progress of all assigned cases; and

WHEREAS, a recent report of the Auditor General found that the average cost per trial started in Leon County was approximately twice the statewide average, it is now therefore

ORDERED AND ADJUDGED that the following policies, practices and procedures will be followed in all cases:

1. Arraignments: If a Defendant pleads guilty or no contest at arraignment, the Court will dispose of the case on that date if at all possible. To this end, the State Attorney's Office should be prepared to provide information deemed appropriate to the Court either in writing or via appearance at arraignment. Similarly, the probation department should provide appropriate information and/or a written recommendation completed at the time of the filing of the affidavit of violation of probation.

2. Docket Sounding: Cases will be reviewed in the order they appear on the docket, unless compelling reasons are given to take a case out of order. Attorneys and pro se defendants should be prepared at docket sounding to schedule the case for a plea or

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

for trial, or to make a good faith representation of a date by which they will be prepared to do so. It will be a rare case that is continued on the docket more than once. Requests for continuances will be scrutinized carefully and allowed only for a good cause.

3. Motions:

A. Unless otherwise allowed by the Court all motions shall:

1. State the specific facts and legal grounds upon which it is based, with citation to authority relied upon;

2. State whether the motion is opposed;

3. Estimate the time required for hearing;

B. Unless otherwise allowed by the Court, all pretrial motions shall be scheduled for hearing on or before docket sounding. The opposing party shall be given at least ten working days notice of such hearings, and shall file a response thereto, with statement of legal grounds and citation of authority, by noon of the business day prior to the hearing date;

C. Hearings on all contested motions shall be scheduled directly with the Court, through the Judicial Assistant, by the moving party. The moving party shall be responsible for preparing and serving notice on opposing counsel. The original of the motion and the notice of hearing on the motion shall be filed simultaneously with the Clerk, a copy of the notice being furnished to the Court's Judicial Assistant as well. The moving party will be expected to have cleared the hearing date and time with opposing counsel when noticing for hearing;

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

D. Motions that are unopposed, except in emergency situations, should be filed directly with the Clerk of Court, together with a proposed Order, which shall be sent to the Court by the Clerk of Court as soon as possible, together with the court file, for review by the Court.

4. Pleas: Generally, pleas that resolve a case should be scheduled for the regular plea day or, alternatively, for 2:00 p.m. on Tuesdays for "custody" pleas. The Court will accept pleas on other dates, but this will be the exception rather than the rule. Plea agreements to resolve a case set for trial, must be presented to the court no later than the Friday prior to trial, except under exceptional circumstances. Otherwise, the Court will accept only a "straight up plea".

5. Trials: Cases set for trial at docket sounding will be set for a date certain. However, to achieve more efficient and effective case management and jury management, the bulk of cases will be scheduled for the Monday of the trial week, with the expectation that some trials scheduled for Monday may be "bumped" to a date later in the week. Also, on Monday of trial week, jury selection for cases scheduled during the week will proceed to the extent possible, and as directed by the Court.

6. Pretrial Conference: On the Friday before each trial week, the Court will conduct a pretrial conference in all cases scheduled for trial the following week. Unless previously excused by the Court, attendance by attorneys and defendants shall be mandatory. The objective is to have someone present at pretrial from both sides, informed and authorized to reschedule, to confirm

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

service of witness subpoenas or recent contact with witnesses, and to advise the Court of any potential problems arising after the trial was set which might interfere with the trial of the case as scheduled.

The date of pretrial conference will be the last day the Court will accept a negotiated plea to resolve the case. If an agreement has been reached, but the plea is to be entered on a different date, the parties will recite into the record the terms of the plea agreement.

After reviewing all cases set for trial the following week, the Court will prioritize those cases, as to the order of trial, and will reschedule where appropriate. Attorneys should be prepared for each trial scheduled regardless of the priority given unless otherwise excused by the Court. Parties, witnesses, and attorneys who fail to appear for a pretrial or trial, or who are not otherwise prepared to proceed at trial when the case is called because of lack of due diligence do so at their own peril. A defendant who announces ready for trial at the pretrial conference and then enters a plea on the day of trial, may be required to pay the cost of the unused jury panel. Any attorney who has not fully explained this consequence to his or her client may be required to share in this cost.

7. Emergency Hearings: Emergency hearings scheduled for 8:45 a.m. will be reserved for true emergencies, i.e., those cases in which a delay in hearing will substantially prejudice a party. Attorneys should clear such hearingswith the Court prior to setting them.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

8. Miscellaneous: This Administrative Order supplements and supersedes Administrative Order 91-1. The intent of the above policies and procedures is to encourage the speedy and fair disposition of all cases, and to reduce the average jury cost per trial. They are, of course, subject to change and will be changed to the extent the Court perceives such change necessary or appropriate to achieve the desired results. The Court welcomes comments and suggestions by those affected by this Order.

The Clerk shall provide sufficient copies of this Order at all docket sounding dates hereafter and shall assist the Court in seeking to insure that each attorney for any case scheduled for trial has received a copy of this Administrative Order.

DONE AND ORDERED this 13th day of February, 1991, in Leon County, Florida.

TERRY P. LEWIS
County Judge

Copies to:

County Judges
State Attorney's Office
Public Defender's Office
Probation Department
Traffic Court Clerk
Leon County Sheriff's Department
Tallahassee Police Department
Florida Highway Patrol
F.S.U. Police Department
F.A.M.U. Police Department
Court Administrator's Office

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT