

POLICY AND PROCEDURES FOR PRO SE SMALL CLAIM LITIGANTS

APPEARING BEFORE J. GORDON SHULER

The following Policy and Procedures for Small Claim Litigants has been prepared to acquaint you with procedures that are followed in Small Claim cases before Franklin County Judge J. Gordon Shuler. Judges nor their staff can give legal advice. Florida Small Claim Rules can be found at

https://www.jud11.flcourts.org/judges_forms/9472461054-FL%20Small%20Claim%20Rules.pdf

PRETRIAL CONFERENCE:

Parties may appear for Pretrial Conference by using the Courtroom Zoom Link below, in person or by attorney. At the pretrial conference, the Court will give the parties an opportunity to discuss privately and possibly settle the case between themselves. If the parties do not settle, the Court will discuss the possibility of setting the case for mediation or trial.

NONJURY TRIAL:

If the case is set for Nonjury Trial, it is important that you note the trial date on your calendar and plan for the availability of yourself and your witnesses. The Judge will prepare and provide the parties with an Order Setting Nonjury Trial which will require you to exchange copies of certain documents and/or lists of witnesses and exhibits that you may plan to introduce into evidence. Please read the Order Setting Nonjury Trial carefully. The Nonjury Trial will be held IN PERSON unless a written request to allow certain witnesses is filed in the court file and the Judge has ruled in writing that the witness can appear via Zoom. All motions for witnesses to appear remotely shall be filed a minimum of fifteen (15) days prior to the Nonjury Trial.

JURY TRIAL:

A demand for jury trial for a small claims case must be made pursuant to Rule 7.150 in writing at the time the case is filed. The person being sued may request a jury trial within 10 days after service of Notice. Because a jury trial can be procedurally complex, you may want to seek the services of an attorney.

SETTLEMENT:

If you and the other party have agreed to settle your case prior to trial, you must notify the Court and the Clerk of Court of the settlement in writing.

CONTACT INFORMATION:

You must furnish every party in the lawsuit and the Clerk of the Court with your proper mailing address, email address and phone numbers. If you change your information, you must immediately notify the Clerk. You must formally designate your email address by filing Florida Supreme Court Approved Family Law Form 12.915 (Designation of Current Mailing and Email Address) or Form 2.602 (Designation of Email Address By a Party Not Represented by an Attorney).

PROCEDURES FOLLOWED AT NONJURY TRIAL:

Both sides will have an opportunity to present a brief opening statement. The Plaintiff will go first and will testify and then be subject to questioning by the Defendant. Plaintiff's witnesses will then be heard, and will be subject to questioning by the Defendant. The Court will consider receiving documents or exhibits into evidence as they are referred to by the Plaintiff or the witness. The Defendant will then have a corresponding opportunity to testify, and present defense witnesses and offer exhibits. The Defendant and the defense witnesses will be subject to questioning by the Plaintiff. After all of the evidence has been presented, both sides will have the opportunity to present a brief closing statement. The Judge will usually decide the case at end of the trial. However, the Judge may decide to take the matter under advisement and rule after the trial. Both parties will receive copies of the Judge's order. Your nonjury trial will not be recorded. If you wish a record of the proceedings, it is your responsibility to have a court reporter present.

CONTINUANCES:

All requests for continuance should be filed in writing with the Clerk of Court and a copy furnished to the other side and emailed to the Judge's Judicial Assistant as soon as possible. Your written request or motion must state if the other party agrees or objects to the continuance. If, however, one party objects to the requested continuance, the party requesting the continuance must contact the Court's Judicial Assistant to reserve a time for hearing on the Motion for Continuance. You may request a hearing by Zoom.

Judge Shuler's Courtroom Zoom Link:**Meeting ID: 958 6164 3538****Password: 187827**

Dial in with your phone for audio only:

+1 786 635 1003