

# Judge Gary Flower

County Court Division N

Duval County Unified Courthouse  
501 West Adams Street, Suite 7164  
Jacksonville, Florida 32202

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## Civil Procedures

### HEARINGS

If you have a hearing scheduled before Judge Flower, please refer to the notice of hearing you received. It probably has all of the information you need to attend. If not, please do not hesitate Judge Flower's judicial assistant, Marilyn Springer.

**All hearings are presumed to be conducted in person.**

Upon request of the court, a party may appear via zoom or telephonically. These requests must be made at least seven (7) working days in advance of the hearing. Florida Rule of General Practice & Judicial Administration 2.530 governs the use of communication technology for court proceedings. In other words, it controls whether a hearing can be scheduled on Zoom or in person. Considering that rule, the following proceedings will be held in person, subject to the exceptions described below:

- Hearings scheduled for more than 30 minutes or upon the Court's direction;
- Evidentiary hearings;
- Certain pretrial conferences, except small claims pretrial conferences set by the Clerk;
- Jury trials, non-jury trials, small claims trials, and summary proceeding trials conducted under section 51.011;
- Any other matter in which evidence will be taken.

All participants who have given proper notice of their intent to appear via zoom will be responsible to ensure that their internet connection is working and that their audio and video is clear. **Anyone who appears via zoom but fails to maintain an adequate internet connection may be considered absent from the hearing. DO NOT EXPECT THE COURT TO RESCHEDULE YOUR HEARING BECAUSE YOU OR A WITNESS DOES NOT HAVE AN ADEQUATE ZOOM CONNECTION.**

Attorneys are required to appear in person, unless they communicate to opposing party as well as the court their intention to appear telephonically or via zoom. To facilitate record-keeping, attorneys should file a notice of appearance seven (7) working days in advance of the hearing, and they should sign into Zoom using their full first and last names. A zoom number or telephone number will be provided by the Judicial Assistant in the written order approving the remote appearance.

Whether your case is being heard via zoom or in person, you are expected to dress in courtroom attire and communicate from a location where you are able to fully focus on the proceeding without

distraction. Under no circumstances may a party log into a courtroom proceeding while operating a motor vehicle, walking or any other activity which will detract from the proceedings.

### **Notice of Hearing**

All motions must appear on the docket prior to requesting hearing times. Email Judge' Flower judicial assistant and copy the assistants for opposing counsel when requesting a hearing date and time. Provide the case number in the subject line of the email in the body of the email provide the motions to be set for hearing and how much time is being requested. The judicial assistant will respond with available dates/times. The party requesting the hearing will be responsible for noticing the hearing. If the case settles, notify the Judicial Assistant immediately so the hearing can be removed from the calendar.

The court will not hold open dates and times for hearings open until finalized and confirmed. Hearing dates/times are not secured until confirmation is sent from this office.

Hearing notices should identify the matters to be heard, the time of the hearing, the amount of time requested, and the location of the hearing or zoom information if so scheduled. Hearing notices should be served on all parties and filed with the Clerk of the Court. Hearings not properly or timely noticed will be canceled.

### **Unilateral notices of hearing**

Hearings may be unilaterally noticed with a minimum of 30 days' notice, and only due to a lack of cooperation. A notice of a hearing set unilaterally due to a lack of cooperation must describe, in detail, the efforts made to reach agreement on the hearing date. A single email, letter, or ultimatum is insufficient. Unilaterally set hearings that do not describe efforts to agree on a hearing date may be cancelled by the Court without notice.

### **Cross-noticing**

Cross-noticing hearings is absolutely prohibited. If the parties agree to add certain motions to a hearing, they should file an amended notice of hearing after clearing the addition with Judge Flower's chambers. Motions unilaterally cross-noticed will not be heard and may be denied without prejudice.

### **Cancellation of Hearings**

Email the Judicial Assistant and copy opposing counsel's office notifying the Judicial Assistant of the cancellation and why the case has been cancelled. A notice of cancellation e-filed with the Clerk is not sufficient notice of cancellation. Cancellation must be confirmed by the judicial assistant. Unless matters at issue in the hearing have been resolved by the parties, the Court does not permit the unilateral cancellation of hearings without Court Approval.

### **LEGAL AUTHORITY**

Any legal authority you would like Judge Flower to consider before a hearing should arrive in chambers no fewer than **seven working (7) days** before the hearing. Material received after that deadline may not be considered. (Judge Flower does not require authority to be submitted, but will gladly consider any material provided.)

Materials may be submitted electronically by email to Judge Flower's Judicial Assistant at [mspringer@coj.net](mailto:mspringer@coj.net) and must be copied to the opposing parties as well. Electronic materials must be contained in one PDF file. Materials submitted in paper should be tabbed with an index. Highlighting is helpful, but if you highlight a document, identical copies must be provided to all other parties in advance of the hearing.

## **PROPOSED ORDERS**

The Court may request the lawyers prepare proposed orders pursuant to the Court's verbal recitations of rulings made during a hearing. Such proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If there is an unrepresented party involved in the case not using e-Portal, the party presenting the proposed order, shall be responsible for providing a conformed copy to the unrepresented party forthwith.
2. If all parties before the Court are using e-Portal, the proposed Order may be emailed to the Court in Microsoft Word format or submitted through the e-Portal by following the directions in the link.

(<https://www.jud4.org/Top-Navigation/Court-Administration/Proposed-Orders-Efiling.aspx>)

Proposed orders following a hearing must be submitted within **5 days**. Failure to timely submit a proposed order may result in denial of the motion without prejudice or a rehearing.

Proposed orders should be accompanied by a **cover letter** identifying the hearing date (if any) and stating whether all parties agree to the form and content of the order. It is not sufficient to state that the proposing party has not heard back from others, unless 5 days have elapsed without a response. The cover letter must affirmatively state whether the other parties object or do not object to the form of the order. Any party objecting to the form of an order must notify chambers immediately and submit a competing order within **3 days**. (See below.)

### **Agreed Orders**

Proposed orders on agreed relief or relief sought jointly by the parties should begin with "Agreed Order" in the caption. The first paragraph of the order must state that the parties agree to the relief afforded by the order, and it must identify the stipulation or motion providing the basis for the relief. Except in rare circumstances, agreed orders that are not preceded by a motion or stipulation will be rejected.

### **Competing Proposed Orders**

If the parties disagree about the form of an order, they may submit competing orders. Competing orders should be submitted in Word format to [mspringer@coj.net](mailto:mspringer@coj.net) email with the words "Competing Proposed Order" in the subject line. The email may **briefly** describe why the party's proposed form is correct, but additional legal argument is **prohibited**. Transcripts or excerpts may be submitted, if appropriate.

### **Pretrial Conferences/Case Management**

At the pretrial conference, the parties should be prepared to discuss all pending matters, including discrepancies in jury instructions, pending motions, and objections to witnesses or exhibits. Parties may appear via zoom in accordance with the notice requirements as discussed above.

### **Failure to Comply with the Pretrial/Trial Order**

Failure to do all things required by the order setting pretrial/case management and trial or to meet its deadlines may result in cancellation of the pretrial/case management conference or the imposition of sanctions at a separate hearing.

### **Small Claims or Summary Procedure Trials**

For all small claims or summary procedure trials or final hearings, a detailed pretrial order is not required at this time.

### **Exhibit Copies**

When appearing for a trial, each party must supply enough copies of each exhibit for every party, the Court, and the Clerk. The Court **greatly prefers** the parties provide two binders with all potential exhibits—one for the Court and one for the Clerk.

### **Mediation Required**

Except in extraordinary circumstances, or where time does not allow it, mediation will be required before trial.

### **PROFESSIONALISM**

Judge Flower expects the highest standards of professionalism, candor, and preparation in the courtroom. Any attorney or party displaying conduct unbecoming of the proceeding may be subject to sanctions without notice.

A keystone of professionalism is active cooperation. In that spirit, Judge Flower expects parties to actively discuss disputes before presenting them to the Court for a ruling. He also expects attorneys to expeditiously respond to inquiries and communications from opposing counsel and other parties. Not responding is unacceptable.

### **MISCELLANEOUS**

Litigation by emailing chambers is **absolutely prohibited**. All relief must be sought by motion or stipulation. Parties who seek any form of relief by emailing chambers—other than for administrative purposes allowed above—may be sanctioned without further notice.

### **Pro Se/Unrepresented Parties**

Those who chose to represent themselves should be aware that at no time shall you unilaterally communicate with the Court or the Judicial Assistant regarding your case. Do not include the Judicial Assistant or the Court on communications with the opposing party/opposing attorney regarding the case unless it is related to scheduling. The Court and Judicial Assistant cannot provide you legal advice. If you have a legal question, you may consider consulting with an attorney of your choosing or contacting Jacksonville Area Legal Aid, Inc. or the Jacksonville Bar Association Lawyer Referral Program.

## **CONTACT**

Please contact chambers at Marilyn Springer if you have any questions. With any message, please include your name, case number, and phone number, so that we can respond as soon as possible. We are happy to assist, but court staff cannot give legal advice or discuss orders.