

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO, COUNTY,
FLORIDA**

ADMINISTRATIVE ORDER NO. H-2011-22

**ADMINISTRATIVE ORDER TELEPHONIC HEARINGS
AND
RESCINDING ADMINISTRATIVE ORDER H-93-37**

The Court having reviewed the provisions of Rule 2.530, Fla. R. Jud. Admin., and having noted that requests for telephonic hearings are being received with increasing frequency, but that there are some hearings that cannot properly be conducted with telephonic participation by counsel, and that there have been telephone conference hearings conducted without the presence of all parties because the requesting party failed to properly schedule the conference call and/or misinformed the Court as to the number of parties participating; and the Court having determined that there are occasions when it is in the best interest of the parties, and will more adequately ensure the timely and efficient administration of the justice to accommodate attorneys who request telephonic hearings; and it appearing that various courts have addressed this problem in different ways, but it is expedient and in the best interest of an efficient and orderly administration of justice that parties requesting such hearings understand the procedural guidelines and requirements for scheduling telephonic hearings, and that there be a uniform procedure in place throughout the courts of this County, it is upon consideration

ORDERED AND ADJUDGED that:

- 1) Any party requesting a telephonic conference must comply fully and at all times with Rule 2.530, Fla. R. Jud. Admin.; and
- 2) Generally, telephonic hearings may **not** be allowed for pre-trial conferences, case

management conferences, and mediations, or when another party objects to same, these being situations where a face-to-face meeting is essential to achieve the purpose for which the hearing is designed; and

3) Permission for telephonic participation may be granted for a scheduled motion hearing by the presiding judge or that judge's designated staff members upon written request, with reasonable notice to all other parties. The notice of hearing filed by the party scheduling same shall reflect that the hearing will be conducted telephonically, so that all parties are fully aware of the situation; and

4) The attorney requesting the hearing is responsible for:

a) First, getting the consent of all parties of record, if possible; and

b) Next, determining whether any of the parties objects to same, and whether any of the parties also wish to participate by telephone, or if they intend to be present in person for the hearing; and

c) Finally, getting permission for same for the presiding judge or judicial support staff; and

d) If the hearing is approved by the presiding judge or judicial staff, for:

(1) Properly noticing the hearing per paragraph #4 supra and paragraph #6 infra; and

(2) Placing the conference call, and for ensuring that **all parties** who have not indicated they will attend in person are on the line at the time the call is received by the judge's office. If the judge is not available at the time the conference call is received and the parties are advised they must call back at another specified time, it shall be the responsibility of the attorney scheduling the hearing to place the call at such time, as the judicial office generally

will not place the call; and

(3) Unless otherwise directed by the Court, paying for the cost of the telephone conference; and

5) If there is a *pro se* answer in the file, and a party is representing himself or herself, the attorney scheduling the hearing must treat that *pro se* litigant in the same manner as an attorney in scheduling a telephone conference, to ensure that the *pro se* litigant is not denied the opportunity to be present at the hearing, or to participate telephonically; and

6) Generally, telephonic hearings may not be allowed if there are more than two attorneys involved, as it is extremely difficult to maintain identities when dealing with voices only, particularly for court reporters and other court personnel; and

7) Any preliminary discussion with the presiding judge or judicial staff as to the propriety of holding a telephonic hearing on any particular matter may be conducted initially by phone conference; and

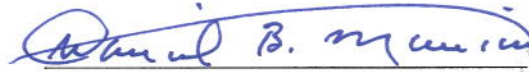
8) All motions to be heard must be filed with the Clerk of the Court, with a copy to the presiding judge, along with a proposed order, and copies submitted to opposing parties prior to the scheduled hearing, pursuant to the provisions of Rule 1.090(d), Fla. R. Civ. P., along with the notice of hearing, which shall reflect which parties will be participating telephonically; and

9) It is the responsibility of the party requesting the telephonic hearing to ensure that counsel for all parties are properly noticed, and that all parties who wish to participate telephonically are on the line when the call is placed to the judicial office. Attorneys who fail to comply with this provision, or who fail to include any attorney or *pro se* litigant in the telephonic hearing as required herein, which results in a hearing being conducted without all parties being present, may be subject to sanctions; and

10) The various judges of this County shall continue to have the sound discretion to determine for themselves whether to allow a telephone conference in any particular situation and/or to vary from the terms of this Order on a case-by-case basis; however, this Order is intended to establish a general policy as to ordinary and usual procedures.

11) Administrative Order H- 93-37 is hereby rescinded.

DONE AND ORDERED in Chambers at Brooksville, Hernando County, Florida this ~~20th~~ ^{Dec} day of ~~July~~, 2011.



DANIEL B. MERRITT, SR.,
Chief Judge

