

# General Procedures for Judge Brian J. Welke

## GENERAL INFORMATION

We do not communicate with parties regarding a pending case via email. Please call the office to schedule hearings or inquire about a specific case.

All hearings require a minimum of five business days' notice, unless all parties agree otherwise.

All documents must be filed with the Clerk's office, not the Judge's office.

Appropriate dress is required for attorneys and all parties. No ripped or torn jeans, shorts, tank tops, etc. will be permitted.

Please be sure to arrive on time and appropriately dressed for your hearing as hearings start promptly at the time designated on your Notice of Hearing. If you are inappropriately dressed, your hearing may be cancelled.

If you are running late for court, please call the judge's office to inform of your tardiness. There is no guarantee the judge will be able to accommodate you.

## PROCEDURES FOR SCHEDULING HEARINGS

You will need to call the Judge's office to schedule a hearing. When calling to obtain available hearing time, please have the case number, case style, type of motion to be scheduled, the date the motion was filed, the amount of hearing time requested, and names of all counsel of record. The Motion **must be** filed prior to obtaining hearing time. Once hearing time is coordinated with all counsel, confirm the date with this office prior to preparing your Notice of Hearing, to assure that time is still available, as hearing dates are first come first serve. We do not hold a hearing date/time.

It is not necessary for you to send a courtesy copy of the Notice of Hearing to this office. The electronic filing of the Notice is sufficient.

The Court requires that all hearings be coordinated. If you are unable to coordinate a hearing, please call our office.

## PROCEDURES FOR CANCELLING HEARINGS/TRIALS

In addition to filing your notice of cancellation, immediately notify the judge's office by telephone when a hearing is to be cancelled. If a case has settled and should be removed from the trial docket, please contact the Court to indicate the same. Only the party that scheduled the hearing, or the Court, has the authority to cancel the hearing.

## **CROSS-NOTICE HEARINGS**

Cross-noticing a hearing without the Court's approval is not permitted. Before requesting the setting of an additional motion(s) at a previously scheduled hearing, the attorneys must contact our office so the Court can determine if sufficient time is available to have the additional motion(s) heard. Your motion will not be heard if the hearing is not coordinated through the judge's office.

## **TELEPHONIC APPEARANCES**

Requests for telephonic or conference call appearances are governed by Rule 2.530 of the Florida Judicial Administration Rules.

Testimony may be taken through communication equipment **only** if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the laws of the jurisdiction.

The cost for use of the communication equipment is the responsibility of the requesting party unless otherwise directed by the Court.

Telephonic appearances are allowed for MOST hearings in chambers, provided that the opposing party/counsel does not object to telephonic appearance. A Motion or Order is not required to appear telephonically.

All telephonic appearances are through the use of CourtCall. For CourtCall appearances, contact CourtCall directly at 888.882.6878, or make your reservation online at [www.CourtCall.com](http://www.CourtCall.com), at least three (3) business day prior to the hearing date, to schedule your telephonic appearance. CourtCall will notify the Judge's office of your reservation.

## **NOTICES FOR TRIAL**

Notices for Trial must include an estimate of trial time needed. Within 60 to 90 days after receipt of the Notice for Trial, an Order Setting Pretrial Conference will be issued by this Office, scheduling a pre-trial hearing. At the Pretrial Conference, your case will be set for trial. All trial counsel, along with the parties, are required to attend the Pretrial Conference in person. Please bring your calendars to the Pretrial Conference.

## **PROPOSED ORDERS**

Proposed Orders must be submitted with a cover letter setting forth the purpose of the Order, i.e. pursuant to hearing/settlement agreement/etc., as well as a statement informing the Court as to any objections to the contents of the proposed Order.

Proposed orders are not accepted through the Florida Courts E-portal or via email. Proposed orders must be submitted by U.S. Mail or hand delivery. IF EVERYONE listed in your Certificate of Service is accepting electronic service through the E-Portal, then you only need to send a Cover Letter and one (1) copy of your proposed order (no need for copies to conform and envelopes). The Order will be E-Filed and you will receive service of the Order through the E-Portal. If hard copies are to be mailed, or if there are any pro se parties, you must submit the original plus copies to conform and stamped envelopes for all parties.

### **PROCEDURES FOR DISCOVERY MOTIONS**

Florida Rules of Civil Procedure 1.280 – 1.390 are the rules governing discovery. Prior to filing a motion regarding a discovery dispute, the court expects the attorneys to attempt to resolve the issue(s) without the court’s intervention.

Upon the filing of a discovery motion, you will need to call the Court to obtain hearing times on the next available “Compel Docket.”. Once hearing time is coordinated with all counsel, confirm the date with this office prior to preparing your Notice of Hearing, to assure that time is still available, as hearing dates are first come first serve.

The court requires **personal appearance** of counsel for the parties at all hearings set on the Compel Docket.

Hearings set on the Compel Docket may only be cancelled by either: (1) the filing of a written stipulation indicating the issues raised in the motion have been resolved, or (2) the moving party filing a written withdrawal of the motion. At the hearing, attorney’s fees may be awarded pursuant to Florida Rule of Civil Procedure 1.380(a)(4).

### **PROCEDURES FOR CASE MANAGEMENT CONFERENCES**

The Court reserves most Monday, Tuesday and Thursday mornings from 8:30 – 9:00 a.m. for the sole purpose of conducting case management conferences. The parties may request a case management conference as provided by Florida Rule of Civil Procedure 1.200(a) (2013). The Court may also set a case management conference, sua sponte. Upon the filing of a Motion for Case Management Conference, you will need to call the Court to obtain hearing times. Once hearing time is coordinated with all counsel, confirm the date with this office prior to preparing your Notice of Hearing, to assure that time is still available, as hearing dates are first come first serve. Parties may attend the case management conference in person, or by telephone via CourtCall. For more information on CourtCall, contact them at [www.courtcall.com](http://www.courtcall.com) or by calling 888.882.6878.

## **PROCEDURES FOR EMERGENCY FILINGS**

Emergency motions must be filed with the clerk and a hard copy must be sent via U.S. Mail or hand delivery to the judge's office. If the Judge determines it is not appropriate to enter an ex-parte Order on the Emergency Motion, a fifteen (15) minute case management conference will be scheduled. If all issues are not able to be addressed/resolved within fifteen (15) minutes, a hearing on the Judge's normal calendar will be scheduled. Attorneys need to have their calendars available for scheduling at any Case Management Conference. Attorneys and Clients are required to appear in person for the hearing. Telephonic appearances are not permitted. Parties shall be prepared to discuss all matters at issue.

## **PROCEDURES FOR TEMPORARY RELIEF**

The parties must attend mediation on the temporary relief issues BEFORE a hearing shall be scheduled on the temporary matters. If the issues are not resolved at mediation, call the judge's office to schedule a case management conference on the temporary issues. A fifteen (15) minute case management conference will be scheduled. If all issues are not able to be addressed/resolved within fifteen (15) minutes, a hearing on the Judge's normal calendar will be scheduled. Attorneys need to have their calendars available for scheduling at any Case Management Conference. Attorneys and Clients are required to appear in person for the hearing. Telephonic appearances are not permitted. Parties shall be prepared to discuss all matters at issue.

## **PROBATE**

ALL probate documents, received in our office, are immediately forwarded to the clerk for review. ALL probate orders are signed in the clerk's office. Once the clerk has reviewed the documents and file, the appropriate notes/records are prepared for the judge's review and execution.

If the Judge is comfortable signing without a hearing, he will do so; if not, he will notify the clerk with further instructions and you will be notified accordingly.

Should you have any questions regarding the status of a probate matter, you should **contact the Clerk's office directly at (352) 742-4122.**