

Judicial Practices and Procedures

Last Updated 3/31/2026

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Contact Information

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A. Communications with the Judicial Office

- Please note that Judicial Assistants are not authorized to communicate with the Judge regarding the merits of any case or discuss legal arguments of a case. Any and all communication that a person desires to have considered by the Court must be filed appropriately with the Clerk of Court and copies must be provided to all interested parties. Do not email the Judge directly with correspondence.

- **Method of Communication:**
 - ❖ **Email:**
 - All communications to the judicial office must be submitted by e-mail to the Judicial Assistant at jferguson@circuit5.org. **The subject line of any e-mail to the judicial office must contain the case number, case name, and relevant matter. (e.g., 42-2025-CA-001234 – Doe v. Doe – 2-Hour Hearing Request).**
 - ❖ **Telephone:**
 - Only self-represented litigants and attorneys **who are excused from e-mail service** may communicate with the judicial office by telephone call to (352) 401-7820. The judicial office does not accept text messages.
- **Ex parte Communications:**
 - All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex-parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied **on every e-mail directed to the judicial office**, unless ex-parte communication is authorized by law.
- **Unsolicited Communications:**
 - Parties may only contact the judicial office in accordance with these practices and procedures. Unsolicited communications from non-parties will not be considered by the court.
- **E-Filing Portal Contact Information:**
 - All attorneys and self-represented litigants must make and receive service by e-mail, which is generally through the Florida Courts E-Filing Portal, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516.
 - All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time

there is a change in the e-mail account registered for electronic service.

- **Response to Inquiries:**

- The Judicial Assistant is not authorized to provide legal advice.
- The Judicial Assistant strives to substantively respond to all inquiries within one business day. If the judicial assistant is unable to substantively respond within one business day, your message will be responded to as quickly as possible.
- When the Judicial Assistant is out of the office, your message will be acknowledged as received with an indication of when to expect a substantive response.

- **Other Communication Procedures:**

- Any e-mail sent to or from the judicial office may be a public record subject to disclosure. Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications, including your email address, may therefore be subject to public disclosure.

B. Scheduling Procedures

- ❖ **Court Schedule:**

- The Judge's trial calendar can be found online. All other hearing dates are special set with the Judge's office.

- **Scheduling Hearings:**

- Hearings must be requested by e-mail to: jferguson@circuit5.org.
- All requests for hearing must be sent by emailing the Judicial Assistant and copying opposing counsel and any self-represented litigant. **Any request for hearing time that does not include all parties will not be considered.** In the email, please provide the following information:
 - ❖ Case number and style

- ❖ Motion to be heard and date filed (with a copy of the filed motion) *Motions must be filed with the Clerk prior to the scheduling of a hearing. If the motion does not yet appear on the docket, please forward the confirmation of filing.*
- ❖ Amount of time requested by each party (**request sufficient time** – Hearings will not be permitted to exceed the secured time. Hearing time will be divided equally)
- ❖ “Meet and Confer” confirmation and Certificate of Conferral for all non-dispositive motions pursuant to Fl. R. Civ. P. 1.202
- ❖ Names of parties, including all counsel, that will appear at the hearing
- ❖ Whether the request is for an in-person or electronic hearing. Zoom appearances are typically permitted for hearings set for non-evidentiary hearings of one hour or less. **Trials and longer evidentiary hearings require in-person court appearance** unless previously requested and approved through the filing of a motion.
- ❖ **Once available hearing times are provided to the parties, the parties must confer prior to responding the Judicial Assistant. The response shall provide two choices from the times provided where all parties are available.** If additional options are needed, please email the Judicial Assistant. If a party does not respond to coordinating counsel within 2 business days, the party that requested the hearing may reach out to the Court, provide information as to the attempts made to coordinate, and request that the hearing be unilaterally set. *Contact must be attempted at all emails provided as well as telephonic attempts at any phone number provided.*
- ❖ If the hearing is an emergency, refer to the Emergency and Time-Sensitive Hearings portion.
- ❖ Court Reporters. Parties desiring a record of any hearing must arrange and pay for a civil court reporter to attend and record the proceeding. See Fla. R. Gen. Prac. & Jud. Admin. 2.535. No attorney, party, or witness may record the proceeding except through a

civil court reporter who is present in the hearing room or courtroom.

- **Notice of Hearing:**

- Once an email is received from the Judicial Assistant stating that the hearing time is **confirmed**, a Notice of Hearing must be filed and served immediately after confirming hearing time. **If a Notice of Hearing is not filed within 48 hours of receiving the confirmation email from the Judicial Assistant, the hearing time will be placed back into the Court's availability.**
- A courtesy copy of the Notice of Hearing and any applicable motion that will be heard, if any, shall be emailed to the judicial assistant at jferguson@circuit5.org once it has been e-filed. ***Please do not serve a copy of the Notice of Hearing to the Judicial Assistant through the E-Filing Portal.***
- A notice of hearing involving any remote appearance must list the judge's Zoom credentials.
- All notices of hearing must contain the Americans with Disabilities Act (ADA) notification required by Florida Rule of General Practice and Judicial Administration 2.540, and pursuant to Administrative Order: M-2010-08-B (June 20, 2024) for Marion County.

- **Continuance Procedure:**

- Pursuant to Fl. R. Civ. Proc. 1.460, motions for a continuance are disfavored and will be granted only upon good cause shown. Motions for the continuance of hearings must be submitted at least **7 days** prior to the scheduled hearing. Motions for the continuance of a trial must be submitted at least **14 days** prior to the scheduled trial for which the continuance is sought, barring exigent circumstances. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e). A motion to continue a trial, even if stipulated, must state with specificity:
 - ❖ Basis for the need for continuance, including when the basis became known to the movant;
 - ❖ Whether the motion is opposed, including position of movant's client;

- ❖ The action and specific dates for the action that will enable the movant to be ready, including, but not limited to, confirming the specific date any required participants such as third-party witnesses or experts are available;
- ❖ The proposed date by which the case will be ready for trial and whether that date is agreed by all parties.

- **Cancelling Hearings:**

- Noticed hearings set by a party may only be cancelled with the approval of the Court. If you wish to cancel a previously scheduled hearing, you must email jferguson@circuit5.org and advise of the reason for the cancellation request. If approved by the Court, you must immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.
- If a hearing was set by the Court, it will only be cancelled through a voluntary dismissal, entry of a stipulation and order dismissing the cause of action, or any other order of the Court.

- **Conflicts with Hearings:**

- A party that has a conflict with a hearing already set shall comply with Fl. R. Gen. Prac. & Jud. Admin. 2.550(c).

- **Other scheduling procedures:**

- Once a motion or petition is scheduled, any other motions or matters may not be noticed for the same time without prior approval from the Judicial Assistant via email.

C. Remote Appearance

- **Remote Appearance Procedure:**

- The court maintains a hybrid virtual courtroom, allowing parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. Requests to use communication technology for an appearance at a hearing that is set to occur in person must be made by motion.
- Any objection to the use of communication technology must be filed no later than **10 days prior to the scheduled hearing**.

- Parties and witnesses must be logged in 5 minutes prior to the start of the hearing.
- **Platform Used:**
 - The court uses Zoom for remote appearances.
- **Platform Meeting ID#:**
 - Contact the Judicial Assistant to obtain the platform meeting ID#
- **Requirements:**
 - Requests for remote appearance must be submitted **10 days** prior to the hearing.
 - Any person appearing remotely must be in a private location that is quiet and free from distractions. Under no circumstances will a participant be permitted to appear remotely from a moving vehicle.
 - Any person appearing remotely must dress and behave professionally in the same manner as if physically present in the courtroom.
 - Any person appearing remotely must enable the person's camera when joining the proceeding and keep the camera turned on until instructed otherwise by the court.
 - Any person appearing remotely must mute the person's microphone when joining the proceeding and keep the microphone turned off until instructed otherwise by the court.
 - If a witness appears remotely, the party calling the witness must ensure the witness has a functioning camera and microphone and has tested the internet connection before the hearing. The oath will be administered in accordance with Florida Rule of General Practice and Judicial Administration 2.530.
- **Technology Needs:**
 - To ensure that your device has the requirements to join the hearing both with an audio and visual connection, you may initiate a "test" hearing at <https://zoom.us/test>

D. Requirements for Proposed Orders/Judgments After Hearing

- This Court requires the parties to prepare and submit to the Court proposed orders granting or denying motions following the hearing. The Court will give the movant(s) and nonmovant(s) specific instructions at the close of the hearing, but, in general, counsel for the parties should expect and be prepared to comply with the following requirements:
 - **Proposed orders must be emailed to the Court's Judicial Assistant in Word format pursuant to the requirements in Section E below;**
 - not as an additional written argument or legal briefing requirement, but to provide counsel an opportunity to plead any exceptions or objections to the form of opposing counsel's proposed order (i.e., citing materials not in the record or citing to materials in the record, but not previously cited in the factual positions supporting the motion/response), the Court will generally establish a reasonable deadline for filing the exceptions/objections pleading within **5 days** following the filing of the proposed orders, unless a different timeline is provided;
 - **a courtesy copy of any such filed exceptions/objections pleading must be emailed to the Court's Judicial Assistant by the same deadline as the filing of the same;**
 - the proposed orders granting/denying the motion should contain at, a minimum the following three well-defined sections: (1) summary of facts with citations to particular parts of materials in the record supporting each fact with such specificity the Court could readily locate the portion of the materials supporting such factual positions in the record (i.e., depositions page(s)/line(s), location of materials, records, affidavits, and pleadings in the record by docket/line number together with page and paragraph number), (2) Applicable Law (i.e., general summary judgment standard caselaw, case specific caselaw relevant to any summary judgment issues or legal issues inherent to the cause of action/theory of liability), (3) Legal Conclusions (containing the application of the law to the facts, summary judgment analysis, and specific reasons for granting or denying the motion).

E. Submission of Orders and Judgments

✚ THE COURT DOES NOT ACCEPT ORDERS THROUGH THE COURT'S E-FILING PORTAL!

- **Format:**

- All proposed orders must be submitted in the latest version of Word (.docx) format ONLY on 8.5 x 11-inch pages with a 1" margin and provided to opposing counsel and any self-represented litigant.

- Certificates of Service shall state the below. *An example of the formatting required can be found at the end of this section:*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished using the Florida Court's E-Filing E-Portal, via U.S. Mail, and/or Electronic Mail in accordance with the corresponding addresses listed therein on MMMM. **Counsel for the (Plaintiff/Defendant) shall provide copies to all parties not listed for service below and any party that requires U.S.P.S. mail service:**

- Electronic proposed orders are preferred for all matters other than a Final Judgment of Foreclosure.

- **All electronic orders (other than Final Judgments of Foreclosure) must be in ICMS format.** If hard copies are being sent, please do not use ICMS formatting. You must use the codes as pairs (e.g., JJJJ & DDDD for Judge's signature). Below are the required pairs.

- ❖ DDDD = Judge Signature Date/JJJJ = Judge Signature

- ❖ MMMM = Mailing Date/AAAA = Judicial Assistant Signature

- ❖ The codes must be all capital letters. You must add all 4 letters for each field. These codes should only be used once per line

- ❖ Since becoming more familiar with ICMS, we have come to find that there are additional nuances that should also be mentioned in conjunction with the formatting listed above. For example: Do not put spaces in front of the JJJJ or AAAA. **To move the signature fields to the preferred location you should only use the Right Alignment Button.**

Failure to do this will result in the signature(s) not adhering and possible rejection of your document. **Do not use page breaks or section breaks in your document.** This causes blank pages to occur in the system. It will look as though a page of the filing is missing, even though it was only a blank page. **Do not insert memos, notes, or comments into your documents.** Hidden formatting like this will show up in the system and is difficult to remove for the recipient. This can also result in the rejection of your document. **If a Proposed Order is submitted with errors, it will be sent back to the creator to correct.**

ORDER EXAMPLE

DONE AND ORDERED in Ocala, Marion County, Florida this DDDD.



Left Justified, 12 spaces/no Tab

Insert single space blank line



All Caps, No Spaces

JJJJ



Right justified, All caps, No spaces

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished using the Florida Court's E-Filing E-Portal, via U.S. Mail, and/or Electronic Mail in accordance with the corresponding addresses listed therein on **MMMM**. **Counsel for the (Plaintiff/Defendant) shall provide copies to all parties not listed for service below:**

****List the name and email for each party being served through the e-portal. If the party is being served via U.S.P.S. by your office, list the parties name and mailing address.***

AAAA



Right justified, All caps, No spaces

- Please be sure that the Certificate of Service is complete, listing **all** Counsel of Record and parties.
- We DO NOT ACCEPT Orders via email that are not ready for immediate entry (i.e. allow 5 days to object, etc.). You shall

obtain approval of opposing counsel or the opposing party of the proposed Order prior to your submission to the Judge for entry.

- **Submission Method:**

- If all parties receive e-service, proposed orders must be submitted to the court by e-mail to jferguson@circuit5.org
- **If any party receives service by U.S. Mail, it is the responsibility of the party that filed the motion to provide physical copies to that party.** If the party wishes to have the Court mail the copies, then proposed orders should be submitted in hard copy to Chambers (Marion County Judicial Center, 110 NW 1st Avenue, Ocala, FL 34475), with stamped, addressed envelopes for all parties not receiving e-service. **If hard copies are being sent to the Court, please do not use the ICMS coding from above.**
- Orders should **NOT** be sent via US Mail **AND** by e-mail. Please use one or the other, but not both.
- All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.
- **A copy of the motion should be included with all proposed orders.** Please **DO NOT** attach the proposed order to the motion, submit separate documents for each.
- **Please do not send proposed orders to the court until you have approval from all parties.** In the event that a party objects to the proposed order and intends to present a competing order, they shall present the court with the competing order immediately with a notation in the email that it is a competing order.

- **Deadline for Submissions:**

- Proposed orders must be submitted within 10 days from the date of any hearing, unless specifically ordered to be submitted within a different period of time.

F. Courtesy Copies of Case Law and Other Documents

- **When Required:**

- Case law and legal authority must be submitted at least **five (5) days** prior to the hearing to allow the Judge time to review the documents.

G. Emergency and Other Urgent Matters

- **Requirements:**

- If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.

- **Scheduling:**

- If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

H. Exhibits for Evidentiary Proceedings

- **Format:**

- All exhibits should be pre-marked with a letter for identification. An Index of Exhibits shall be included with an indication of whether each exhibit has or has not been stipulated to by the parties. *Exhibits must be labeled in the following format: Petitioner/Plaintiff 1 or Respondent/Defendant 1.*
- All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the court, and each party to review during the hearing or trial.

- **Deadline for Submissions:**

- Electronic exhibits must be submitted **five (5)** business days before the evidentiary proceeding by emailing the Judicial Assistant at jferguson@circuit5.org or by delivering a thumb drive to the Marion County Courthouse.
- All other exhibits must be received in chambers **three (3)** business days before the evidentiary proceeding by emailing

the Judicial Assistant at jferguson@circuit5.org or by delivering a thumb drive to the Marion County Courthouse.

I. Pretrial Procedures and Conferences

- **Case Management Conference (CMC):**

- Any party may request a CMC when a case requires.
- The court strongly encourages the early use of CMCs in more complex cases, multiple-party litigation, or any case that might benefit from court intervention.
- Unless excused by the court in advance, **all CMCs are mandatory for attorneys and self-represented litigants.** Parties represented by counsel are not required to appear at a CMC.

- **Status Conference:**

- Any party may request a status conference when a case requires. Any request for a status conference must articulate the reasons for the necessity of the conference

- **Scheduling:**

- If the court grants the request for a CMC or status conference, the moving party must schedule the CMC or status conference pursuant to the procedures noted under the above Scheduling Procedures.

J. Setting Case for Trial

- **Procedure:**

- File a notice for trial to request the case be set for trial. The Court may set a case for trial at Case Management, Status, Motion Hearings, or by Written Order.

- **Notice Period:**

- The court does not set date-certain trials. After the pre-trial conference, the court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period.

K. Court Appearances Procedures

- **In person hearings:**

- Dress appropriately for court. No shorts, tank tops, halter tops, undershirts, and hats. Do not wear distracting or inappropriate clothing.
- Cell phones shall be on silent during the entire court proceeding.
- No chewing gum, food or drinks allowed with the exception of water.
- Arrive a minimum of 10 minutes early.

- **Zoom Etiquette:**

- Anyone appearing via Zoom must have stable audio and video capabilities. Make sure that you have appropriate internet service and equipment prior to requesting a Zoom appearance. If you are unable to connect or the signal is weak, your hearing will likely need to be rescheduled for you to appear in person.
- Even though you are not physically in the courtroom, you are part of a formal Court proceeding. Please find a quiet place where you can focus on the hearing. Eliminate distractions such as barking dogs or phones ringing.
- Dress appropriately for court.
- Please mute yourself if you expect background noise until you are being addressed.
- No eating or smoking during your hearing.
- NO DRIVING WHILE YOU ARE LOGGED INTO A ZOOM HEARING. If you appear to be driving, you will be asked to pull over and will not be able to participate in the hearing until you are at a complete stop.

L. Other Division Procedures

- **ADA Accommodations:**

- ❖ To submit a request for ADA Accommodations, you may use the form found at the following link: [ADA Accommodation](#)

[Request Form - State of Florida Fifth Judicial Circuit](#)

- ❖ "If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator at the Office of the Trial Court Administrator, Marion County Judicial Center, 110 NW First Avenue, Ocala, FL 34475; Telephone: (352) 401-6710; or email: ada@support.circuit5.org, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."