

# Administrative Procedures for Judge Henry

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Revision Date 3/28/23

## **Civil – Hearing Time General Procedures**

1. Verify Judge Henry is the judge assigned to the case.
2. DO NOT call the judge’s office to request hearing time.
3. Email any request for hearing time to Judge Henry’s assistant, Brittany Smith, and CC opposing counsel. These requests can be sent to [smithb@jud14.flcourts.org](mailto:smithb@jud14.flcourts.org). Use Bay County case number and style of case as your subject line
4. Provide the following information in the hearing time request email:
  - a. Type of motion(s) to be heard
  - b. Actual amount of time needed for counsel to argue motion(s)
  - c. First date movant is available for hearing (that should be within 30 or 60 days – see #6 below)
  - d. Names of attorneys that will attend hearing
  - e. Attach a copy of the motion(s) to the email
5. Please be accurate in the amount of time needed for the hearing. Failure to have sufficient time for the hearing may result in the motion or request being denied.
6. Most motions, except dispositive motions, should be set for hearing within sixty (60) days of being filed with simpler motions (such as motions to compel) being set for hearing within thirty (30) days. Failure to timely set a hearing on a motion may result in the motion being summarily denied without hearing.
7. The judicial assistant will “reply all” to the email with available dates, times and instructions. **READ ENTIRE EMAIL. Be aware that Bay County is in the central time zone.** Outside of the Motion Calendar Docket, all hearing times are in fifteen (15) minute increments.
8. The judicial assistant will provide up to ten (10) dates and times for a hearing. **IN THE EVENT COUNSEL CANNOT AGREE** on mutually convenient date and time for the hearing from the dates and times provided, **the Court may unilaterally set the matter for hearing or alternatively enter an order on the matter without hearing.** If the Court’s unilaterally sets the matter for hearing, the hearing cannot be canceled without a Court order. If the parties resolve the issue prior to the Court-scheduled hearing, they shall submit an agreed upon proposed order more than one (1) business day prior to hearing date to avoid the requirement for appearance at the Court-scheduled hearing. Accordingly, to the extent possible, counsel should seek another attorney from their office to cover a hearing to avoid either having no choice in the date and time of a hearing or waiving a hearing on the matter.

9. Only email the judicial assistant to request dates and confirm the hearing date. DO NOT include the judicial assistant in email chains between counsel and/or staff to clear dates (or anything else).
10. DO NOT file a notice of hearing before receiving a confirmation email from the judicial assistant confirming that the hearing has been set.
11. Email the judicial assistant a copy of all notices for hearing once filed.
12. Any motions noticed, but not specifically scheduled with the judicial assistant, will not be heard.
13. Additional motions cannot be piggybacked on a previously scheduled hearing time without being cleared with the judicial assistant and opposing counsel, and such motions may only potentially be added provided sufficient time has been reserved. To add a motion to a previously scheduled hearing, obtain opposing counsel's consent to the addition, then email the judicial assistant about adding the motion to the hearing **and advise if additional time is required**. The judicial assistant will confirm the addition of the motion to the hearing time. If additional time is required but not available, the request to piggyback a motion will be denied and the motion will need to be reset at a different date and time. Do not prepare and file a notice of the added motion until receipt of the judicial assistant's confirmation.
14. Address: 300 E. 4<sup>th</sup> Street, Panama City, FL 32401. There is no room number – just list as Judge Henry's Chambers. For the time being, unless all parties agree to hold the hearing in person, all hearings will be held via Zoom Video – See I.c. on page 5. Include the Zoom instructions in any notices.
15. The parties may stipulate to having a motion decided without the necessity of a hearing. If such is the case, the movant shall include at least a brief memorandum of law as part of the motion being filed or as a supplemental filing on the motion. Thereafter, the nonmovant shall file a response which shall include at least a brief memorandum of law as part of the response. Upon filing of the response, the movant's counsel shall contact the judicial assistant and advise that a non-hearing motion and response have been filed and provide copies of the filed motion and response. The Court shall consider the motion and response and issue a ruling.

## **Civil – Hearing Time Motion Calendar Docket**

1. For short motion hearings (5 to 10 minutes), a motion calendar docket will be set on approximately every Monday morning starting at 9:00 am (CST) until 10:00 am. Motion calendar dockets will be on Tuesday morning if Monday is legal holiday, and such dockets will not be held on weeks when jury trials are scheduled.
2. It is anticipated that counsel can set hearings on the motion calendar docket with one to two weeks advanced notice.
3. Follow the procedures contained in the General Procedures on Page 2 (to include emailing the judicial assistant for available motion calendar dockets, clearing the hearing time with opposing counsel, confirming the date and providing a copy of the notice of hearing). Slots on each motion calendar docket are limited. Slots on a particular motion calendar docket will be given on a first come, first confirmed basis.
4. All matters set on the motion calendar should be noticed to start at 9:00 am (CST).
5. The case/motion will be called in the order that the motions are set for hearing.
6. The motion calendar is intended to hear short, simple motions on an expedited basis to keep a case moving. If extensive argument occurs, the hearing will be continued to a later time, to be set for a time certain under the General Procedures on Page 2. Accordingly, DO NOT try to set a matter on the motion calendar that cannot be concluded within 10 minutes as it will delay the conclusion of the hearing on the motion and annoy the other attorneys set for hearing on the motion calendar. If there is an abuse of the motion calendar docket by a particular attorney or law firm, it may result in the attorney/law firm not being able to set matters on the motion calendar in the future.
7. For the time being, all hearings on the motion calendar will be held via Zoom Video – See I.c. on page 5. Judge Henry will control admission of counsel from the Zoom waiting room. Therefore, remain on Zoom until admitted for the hearing on your case/motion, and do not disconnect if not admitted right at 9:00 am or shortly thereafter.

## Civil – Good Faith Certifications for Motions

1. For most motions (other than dispositive motions), the moving party is required to include a certification in the motion that *counsel* (not paralegal) made a “good faith attempt” to resolve the issue(s) to be raised in the motion with opposing counsel prior to filing the motion.
2. A “good faith attempt” is not satisfied by *counsel* sending one or two emails to opposing counsel and claiming no response was received. *Counsel* (not paralegal) may initiate the “good faith attempt” via email. However, if no response is received, *counsel* shall call opposing counsel’s office at least twice if no response is received to an email or initial phone call before certifying that *counsel* has made a “good faith attempt” to resolve the issue(s) to be raised in the motion.
3. The judicial assistant may reject offering hearing time if a motion does not include certification of a “good faith attempt” to resolve the issue(s) in the motion prior to filing the motion.
4. The only times that a “good faith attempt” certification is not required is for dispositive motions (motions to dismiss with prejudice, motions for judgment on the pleadings, motions for summary judgment, etc.), emergency motions where counsel is not able to attempt contact because of the circumstances (however, counsel delaying filing a motion that could be filed earlier is not considered an emergency just because the deadline is approaching), and post-trial or post-judgment motions (such as motions for rehearing or reconsideration). For motions to dismiss that raise primarily technical issues which, under applicable law would likely result in the pleading party being given leave to amend, counsel shall make a “good faith attempt” to resolve the issue(s) before filing the motion (e.g., where a party omits a copy of a contract or document from the complaint in an action for breach of contract).

## Civil – Setting Trials

1. DO NOT request a case management conference to set a case for trial, unless a) setting a multi-day non-jury trial, b) setting a jury trial that will take longer than one week, or c) the parties cannot agree on a date.
2. Be aware, jury trial dockets are one-week or two-week dockets.
3. Email a request for trial dates to Judge Henry’s assistant, Brittany Smith, and CC opposing counsel. These requests can be sent to [smithb@jud14.flcourts.org](mailto:smithb@jud14.flcourts.org).
4. Use Bay County case number and style of case as your subject line.
5. Provide the following information in the trial request email:
  - a. Attach a copy of the filed notice for trial
  - b. Specify whether it is a jury trial or non-jury trial
  - c. If a jury trial – specify the number of days needed, exclusive of jury selection
  - d. If a non-jury trial – specify the amount of time needed. If over one day, a case management conference is needed
6. The judicial assistant will “reply all” to the email with available dates and instructions. READ ENTIRE EMAIL.
7. Only email the judicial assistant to request dates and confirm the final date selected. DO NOT include the judicial assistant in email chains between counsel and/or staff to clear dates (or anything else).
8. For litigants reference, existing jury trial dockets are listed on the next page. The litigants can avoid steps #5 and #6 above if they agree on a trial docket to set the matter. In that case, the procedures under #5 will include specifying the jury trial docket agreed to and specifying the number of days needed, exclusive of jury selection. The judicial assistant will then confirm receipt of the email agreeing to a docket.
9. Once the trial date is confirmed, Judge Henry will enter an order setting trial and pretrial dates, including discovery, disclosure and mediation deadlines. If the parties need to adjust any of the deadlines contained in the order setting trial, such can be submitted by stipulated order and will be permitted if they do not appear to affect preparation for trial.

## Civil – Jury Trial Dockets

The future jury trial dockets set as of the date of this update to the administrative procedures are the following:

June 5-9, 2023	5-day docket
July 10-14, 2023	5-day docket
August 7-11, 2023	5-day docket
September 5-15, 2023	9-day docket
November 6-17, 2023	9-day docket
December 4-8, 2023	5-day docket
January 2-12, 2024	9-day docket
February 5-9, 2024	5-day docket
March 4-15 , 2024	10-day docket
April 8-12, 2024	5-day docket
May 6-17, 2024	10-day docket
June 3-7, 2024	5-day docket
July 8-19, 2024	10-day docket
August 5-9, 2024	5-day docket
September 3-13, 2024	9-day docket
October 7-11, 2024	5 day docket
November 4-8, 2024	5-day docket
December 2-6, 2024	5-day docket

## Civil – Zoom Instructions

1. At the present time and for convenience of counsel and parties, most hearings (evidentiary and non-evidentiary) will be held via video Zoom conference. However, the Court reserves the right to prohibit appearance via Zoom and require in-person hearings on any matter.
2. Please be sure you have an adequate internet connection prior to logging into Zoom.
3. Counsel, parties, witnesses, court reporter and the judge will all appear via video.
4. Video Zoom connection information is as follows:

<https://zoom.us/j/6942431871>

Meeting ID: 694 243 1871

Dial (for United States)

+1 786 635 1003

+1 301 715 8592

5. Include Zoom instructions above in any notices for hearing.
6. All counsel and parties attending a hearing shall do so using video, unless video is impossible.
7. As a video Zoom conference hearing is a court proceeding, counsel and any party attending a hearing will be properly attired as if appearing in person in court.
8. So that hearings can promptly start, please log into the Zoom video conference at least five (5) minutes before the hearing start time. The judge will admit you to the hearing from the waiting room. DO NOT disconnect from Zoom just because you may not be admitted right at the hearing time.
9. So that Judge Henry can identify which persons in the waiting room are associated with a particular hearing, please set your Zoom user/screen name to your name or your firm's name (as opposed to a nickname or other phrase).



## Civil – Submission of Proposed Orders

1. All proposed orders must be submitted via the e-filing portal.
2. All proposed orders must include a cover letter in .pdf format. The cover letter should indicate whether the proposed order is agreed to by opposing counsel/party or not.
3. **Only the cover letter and proposed order** should be submitted via the e-filing portal. Copies of motions, responses, exhibits, case law or other items should not be included with the cover letter or uploaded in the e-filing portal (see Submission of Hearing Materials, *infra*). The only exception to exclusion of other items pertains to the Pretrial Stipulated Order, in which case counsel shall either attach to the order or upload as a judicial exhibit the witness and exhibit lists to attach to the pretrial stip.
4. All proposed orders must be submitted in Word format. **Counsel and parties preparing orders are directed to remove any hidden formatting or codes.** Failure to remove hidden formatting may result in the order being rejected.
5. All proposed orders must be in DJCMA format (see #6 & 7 below), **but counsel/parties are directed to omit the service portion for the judicial assistant to sign and certify service of the order (the M and A portions of the DJCMA format).**
6. Proposed orders do not need to include the addresses or email addresses of recipients of the order at the end. A copy of the signed order will be served on all counsel/parties registered for service via the e-portal.
7. If the case involves a pro se party who is not registered to receive filings from the e-portal, the proposed order shall include as the last paragraph (before DONE AND ORDERED) the following statement:

Counsel who submitted this proposed order to the Court for approval shall serve a copy of this Order on any party not registered to receive service via the Court's e-portal.

Counsel receiving the served copy of an order entered is then charged with responsibility for serving (via mail or email) a copy of the signed order on any party not registered to receive service via the e-portal. The judge's office will not mail out copies of any orders.

8. A memo with instructions on submission of proposed orders and the DJCMA format can be accessed at: [Microsoft Word - Memo-Submission of Proposed Orders to Judiciary.doc \(flcourts.org\)](#)

9. A video with instructions on submission of proposed orders and the DJCMA format can be accessed on the 14<sup>th</sup> Judicial Circuit website under Announcements & Notices at: [Fourteenth Judicial Circuit of Florida | \(flcourts.org\)](http://flcourts.org)
10. Any proposed order not complying with the above instructions will not be entered.

## **Civil – Submission of Hearing Materials (Pleadings, Memoranda, Exhibits, Case Law)**

1. Any documentation being used or relied upon at a hearing that a party wants the Court to review and consider must be submitted at least two (2) business days prior to the date of the hearing. This includes:
  - a. Exhibits
  - b. Memoranda not previously filed with the clerk
  - c. Copies of case law, statutes or other citations
  - d. Any demonstrative aides
  - e. Any other documentation that a party intends to use at the hearing

**However, additional copies of motions, memoranda already filed with the clerk or other documents which are already in the court file** (unless attached to or incorporated in other filings and not easily accessible or identifiable) **DO NOT need to be submitted again** prior to the hearing.

2. In lieu of hard copies of hearing materials, all hearing materials should be submitted via Microsoft OneDrive drop box. **DO NOT MAIL HARD COPIES OR A BINDER OF CASE LAW OR OTHER HEARING MATERIALS** unless specifically directed by the judicial assistant. The procedures of obtaining the drop box are:
  - a. Any counsel or party that desires to provide hearing materials shall contact the judicial assistant and request a OneDrive drop box for the case at least two (2) business days prior to the hearing. Please be sure to include the email addresses of all parties/counsel who require access. The judicial assistant will send out an email to all parties with a link to the drop box.
  - b. Either the movant or party opposing the motion may submit documents to the drop box
  - c. Please label the documents submitted to the drop box so that they can be easily identified
  - d. Any case law or other items being submitted are uploaded as separate pdf documents
  - e. DO NOT upload documents as a zip file/folder as the Court will be unable to access those
  - f. If documents being submitted include exhibits for an evidentiary hearing, please premark the exhibits and identify the party intending to introduce the exhibit. Counsel should agree on the method being used to identify the exhibits (such as one side using numbers and the opposing side using letters, or using party ID before the number/letter).
  - g. **Counsel are responsible for redacting ALL confidential information on any document that will be offered into evidence.**
  - h. All uploaded documents must be completed one (1) business day prior to the hearing.

3. Use of the OneDrive drop box is the preferred method to submit materials to the Court in advance of a hearing. If it is impossible to use the drop box, materials may be submitted in hard copy format, to be mailed so that the documents are received at least two (2) business days prior to the hearing.
4. DO NOT email copies of hearing documents to the judicial assistant

## **Civil – Cancellations**

1. In the event of a cancellation of a hearing, please notify the judicial assistant as promptly as possible to open the time for other cases.
2. In the event of a settlement of a case set for trial, please notify the judicial assistant that the matter has settled so it can be removed from the trial docket, even if there are still matters remaining to be concluded (filing dismissal, signing of agreed upon settlement agreement, exchange of payment, etc.). However, if a settlement is contingent upon the agreement to the form of an agreement and/or release, please wait until the language of the agreement and/or release is agreed to by all parties prior to requesting a matter be removed from the trial docket.
3. Notices to the judicial assistant of a cancellation or settlement should be sent via email.
4. Upon receipt by the judicial assistant of the email canceling a hearing or notifying of a settlement, the matter will be removed from the calendar. It is suggested that counsel file and serve a notice of cancellation of a hearing, and upon filing, send a copy via email to the judicial assistant.
5. Counsel and parties cannot cancel a hearing scheduled by Court Order by simply filing a notice of cancellation without getting approval of the Court.

## **Civil - Certification Regarding Standing Order And Administrative Procedures**

1. Pursuant to the Standing Civil Case Management Order entered in most cases, counsel for all parties are required to file a certification that they have read and agree to abide by the Standing Order and these Administrative Procedures.

2. The Certification shall be substantially in the following form:

I, on behalf of myself, my client and my law firm, have read the Standing Civil Case Management Order entered in this case as well as the presiding judge's Administrative Procedures found on the 14<sup>th</sup> Judicial Circuit's website and agree to abide by such requirements, procedures and deadlines. I understand that failure to comply with any of the requirements, procedures or deadlines may result in sanctions against me and/or my client, including, but not limited to, an award of attorney's fees and costs, denial of motions or hearing time, striking of pleadings, dismissal of claims, findings of contempt or other sanctions.

3. The Certification shall be filed by counsel or pro se parties pursuant to the time periods contained in the Standing Order entered in a case.