

Judicial Practices and Procedures

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A. Communications with the Judicial Office

- **Method of Communication:**

- Judicial E-mail

All communications to the court must be submitted by e-mail to gutshall.tilena@jud3.flcourts.org. All parties must be copied on any e-mail directed to the court, unless an ex parte communication is authorized by law. The subject line of any e-mail to the court must contain the case number, case name, and relevant matter (e.g., 2024 DR 001234 SC – Doe v. Doe – 2-Hour Hearing Requested).

- **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 any e-mail directed to the court, unless an 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. Florida Rule of General Practice and Judicial Administration 2.516.
- All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Florida Rule of General Practice and Judicial Administration 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.

- ☒ 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 and an alternate contact for immediate assistance.

B. Scheduling Procedures

- **Court Schedule:**

- ☒ Trials are scheduled in accordance with the applicable rules of procedure, statutes, and case management orders.

- **Scheduling Hearings and Conferences (aka: Proceedings):**

- ☒ Hearings and conferences must be requested by contacting the judicial assistant at gutshall.tilena@jud3.flcourts.org.

- ☒ Before requesting hearing time from the judicial assistant, the requesting party must confer with the opposing party to determine an adequate amount of hearing time for both sides combined. The judicial assistant should not be part of these communications. The parties should understand that, absent an agreement between them, both sides should be allocated equal time, with some time reserved for the Court to announce a ruling.

- ☒ Once the judicial assistant is asked for hearing time, the requesting party will be offered at least two (2) potential hearing dates and times. The parties should attempt to agree on the dates provided. If the responding party fails to respond to e-mails attempting to set a hearing by providing their availability within three (3) full business days (72 hours, non-court holiday) without good cause, the requesting party may select the hearing date and time unilaterally. If the hearing date and time is selected unilaterally, the notice of hearing must indicate such.

If none of the dates and times initially provided by the judicial assistant work for both parties, the requesting party may request two (2) additional dates and times from the judicial assistant. The parties should attempt to agree on the dates provided. If the responding party fails to respond to e-mails attempting to set a hearing by providing their availability within three (3) full business days (72 hours) without good cause, the requesting party may select the hearing date and time unilaterally. If the hearing date and time is selected unilaterally, the notice of hearing must indicate such.

If the parties cannot agree on a hearing date after a second offer, any party rejecting those dates and times shall plainly and precisely specify the basis for rejecting each additional date and time proposed. The Court may select a date unilaterally after considering the parties' reasons for the rejection.

- **Notice of Hearing:**

- ☒ A notice of hearing must be filed and served immediately after reserving hearing time. In no instance may a notice of hearing be filed more than two (2) business days (48 hours) after the date and time is agreed upon. Otherwise, the hearing time slot will be given to other parties in another matter.
- ☒ A notice of hearing involving any remote appearance must list the meeting identification number (ID) for the Zoom Workplace platform. To minimize technical issues, the notice of hearing must include the dial-in telephone number for the Zoom Workplace platform so that a party may call into the proceeding should they experience video-oriented technical difficulties.
- ☒ 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.
- ☒ All notices of hearing must contain: (i) the title of each motion set for a hearing, and (ii) the corresponding document sequence number (Doc. #) of the motion of filing as assigned by the Clerk of Court.

- **Submission Deadlines:**

- ☒ The court must receive all materials for the hearing no later than three (3) business days (72 hours) before the hearing.

- **Order of Proceedings:**

- ☒ Matters will be heard in the order in which they appear on the docket and the respective notice of hearing.
- ☒ Matters involving parties represented by counsel will generally be heard before other matters.
- ☒ Matters involving in-custody defendants will generally be heard before other matters.

- **Continuance Procedure:**

- ☒ Motions for continuance are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting a continuance. 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).

- ☒ Motions for continuance must state with specificity: (1) the basis of the need for the continuance, including when the basis became known to the movant; (2) whether the motion is opposed; (3) 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 are available; and (4) the proposed date by which the case will be ready to proceed and whether that date is agreed by all parties. 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).

- **Cancelling Hearings:**

- ☒ Hearings must be cancelled by notifying the judicial assistant immediately by e-mail and telephone. Additionally, a notice of cancellation must be immediately filed and served on opposing counsel and any self-represented litigant.

C. Remote Appearance

- **Remote Appearance Procedure:**

- ☒ The court maintains a hybrid virtual courtroom, allowing parties to appear as provided by Florida Rule of General Practice and Judicial Administration 2.530. Requests to use communication technology for an appearance must be made by motion.
- ☒ Any objection to the use of communication technology must be filed within ten (10) days after service of the motion or notice if such time is available, or if ten (10) days is not available, then no later than three (3) business days before the scheduled hearing date.

- **Platform Used:**

- ☒ The court uses the Zoom Workplace platform (www.zoom.com) for remote appearances.

- **Requirements:**

- ☒ 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.
- ☒ Motions for remote appearance must be submitted no less than fifteen (15) days prior to the hearing.

- **Technology Needs:**

- ☒ All participants in a remote hearing must have functioning equipment including, but not limited to, electronic equipment, a camera, and a microphone.
- ☒ Technology specifications may be found at <https://support.zoom.com/hc> .
- ☒ Witnesses located outside of the state will need to comply with Florida Rule of General Practice and Judicial Administration 2.530(b)(2).

D. Submission of Orders and Judgments

- **Format:**

- ☒ All proposed orders must be submitted in Microsoft Word format (.docx) and provided to opposing counsel and any self-represented litigant.

- **Submission Method:**

- ☒ All proposed orders must be submitted to the court by e-mail to gutshall.tilena@jud3.flcourts.org.
- ☒ Self-represented litigants should designate a primary e-mail address and up to two (2) additional e-mail addresses using Florida Rule of General Practice and Judicial Administration Form 2.602. If excused from e-mail service self-represented litigants may submit proposed orders to the court by U.S. mail or hand-delivery to the court.

- **Deadline for Submissions:**

- Proposed orders must be submitted no later than date advised by the Court following hearing.

- **Other Procedures Relating to Submission of Orders and Judgments:**

- All proposed orders must be submitted by e-mail and include a statement of 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.

- The signature block should be as follows:

DONE AND ORDERED on the ____ day of _____, 20 ____, or
the date set forth in the electronic signature block.

Fred Koberlein, Jr., Circuit Judge

E. Courtesy Copies of Case Law and Other Documents

- **When Required:**

- Courtesy copies of *aids and case law* must be submitted to the court and opposing counsel, or litigants, for any hearing or trial.

- **Format:**

- Courtesy copies must be submitted in either (1) PDF/a format, or (2) three-hole punched binders printed on 8.5 x 11-inch paper.

- **Submission Method:**

- Courtesy copies may be submitted to the court by e-mail to gutshall.tilena@jud3.flcourts.org, if twenty-five (25) pages or less.

- Courtesy copies must be submitted to the court by U.S. mail or hand-delivered to the court if more than twenty-five (25) pages.

- Self-represented litigants excused from e-mail service may submit courtesy copies to the court by U.S. mail or hand-delivery to the court.

- **Deadline for Submissions:**

- Courtesy copies of case law must be submitted to the court within a reasonable time prior to the start of the proceeding. A reasonable time is dependent on the volume of the case law as well as the complexity of the legal issues. In no instance should case law be submitted no less than four (4) business days before any proceeding.

F. Emergency, Expedited, and Other Urgent Matters

- **Emergency and Expedited Motions:**

- No party or attorney should file a motion as an emergency without first studying *Smith v. Crider*, 932 So.2d 393 (Fla. 2d DCA 2006). The moniker “emergency” should be reserved for true emergencies. The unwarranted designation of a motion as an emergency may result in a sanction.
- An expedited motion is one that does not qualify for emergency relief but may still be time sensitive.

- **Requirements:**

- The movant must serve a copy of the emergency or expedited motion directly to the judicial assistant and verify receipt.

- **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.
- If the court determines that the motion should be treated expeditiously, a hearing will be scheduled in coordination with the attorneys and parties. All parties shall make themselves available for the expedited hearing, barring exigent circumstances.

G. Exhibits for Evidentiary Proceedings

- **Format:**

- Exhibits must be labeled in the following format: *Insert label preference (e.g., “Petitioner/Plaintiff 1” or “Respondent/Defendant A”).*
- 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 proceeding.

- Remote Appearances: all attorneys and self-represented litigants must provide copies of each exhibit to the opposing attorneys or self-represented litigants no less than one (1) business day before the proceeding.
- **Submission Method:**
 - Submit all exhibits electronically by e-mail to gutshall.tilena@jud3.flcourts.org if twenty-five (25) pages or less.
 - Exhibits must be submitted to the court by U.S. mail or hand-delivered to the court if more than twenty-five (25) pages.
 - Self-represented litigants excused from e-mail service must submit exhibits to the court by U.S. mail or hand delivery.
- **Deadline for Submissions (if not established in a pre-trial order):**
 - Exhibits must be submitted no less than one (1) business day before the evidentiary proceeding.

H. Pretrial Procedures and Case Management 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.
- **Requirements:**
 - Any request for a CMC or 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.

I. Setting Case for Trial

- **Procedure:**

- File a notice for trial to set the case for trial and e-mail a courtesy copy of the filed notice for trial to the court at: gutshall.tilena@jud3.flcourts.org.

- **Notice Period:**

- The notice for trial must include an approximate number of days the trial is expected to last in order for all parties to present their evidence.

J. Forms

- Florida Supreme Court approved forms are available in the index of the applicable Florida Rules of Court.

- Florida Supreme Court approved forms are available at flcourts.gov

K. Other Division Procedures

- **ADA Accommodations:**

- If you need an ADA accommodation, please contact <https://thirdcircuitfl.org/ada-accommodation-request/> *at least 7 days before your scheduled court appearance*.

- Information on ADA accommodations can be found on the circuit's website at the following link: <https://thirdcircuitfl.org/ada/>

- **Interpreter Requests:**

- If an interpreter is needed for a hearing or trial, please contact Interpreter@jud3.flcourts.org.

- Information on interpreters' services can be found on the circuit's website at the following link: <https://thirdcircuitfl.org/court-interpreters/>.