

Amy Borman

From: Amy Borman
Sent: Tuesday, December 30, 2014 7:42 PM
To: Peter Blanc; Richard Oftedal L.
Subject: New Local Rule 9.doc
Attachments: Local Rule 9.doc

Hi! Attached please find my attempt at Local Rule 9 - In Re: Timely Filing of Motions.

I kept this for all divisions and for all motions (except summary judgment). I excluded summary judgment because sometimes these motions need to be set on a non jury calendar.

Please let me know what you think as this will need to be circulated for vote in the next few weeks.

Thanks,
Amy

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 9

IN RE: TIMELY SETTING OF MOTIONS
_____:

Pursuant to the authority conferred by rule 2.215(e), Fla. R. Jud. Admin., it is

ORDERED as follows:

Except for motions for summary judgment, a party filing a motion must schedule the motion for hearing and be heard on the motion within ninety (90) days of the motion's filing. Unless leave of court to extend the ninety (90) days is obtained, the failure to have the motion set and heard by the trial court will result in the motion being deemed abandoned on the ninety-first (91) day. Leave of court is granted for the party to re-file the motion.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of
January, 2015.

/s/
Jeffrey J. Colbath

Amy Borman

From: Amy Borman
Sent: Wednesday, December 31, 2014 10:34 AM
To: Richard Oftedal L.
Cc: Peter Blanc
Subject: RE: New Local Rule 9.doc

There are issues setting lengthy matters for hearing within 90 days (which is why summary judgments were exempted and the "unless leave of court to extend the ninety days" was added).

I can add a line that says,

Except for motions for summary judgment, a party filing a motion must schedule the motion for hearing and be heard on the motion within ninety (90) days of the motion's filing. Unless leave of court to extend the ninety (90) days is obtained, the failure to have the motion set and heard by the trial court will result in the motion being deemed abandoned on the ninety-first (91) day. If the court cannot provide a hearing date within the ninety day period, the Notice of Hearing must contain language stating that the hearing was set more than ninety days from the filing of the motion at the instruction of the court.

Thoughts?

Amy S. Borman
General Counsel
15th Judicial Circuit
205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
(561) 355-1927 (direct line)
(561) 355-1181 (fax)
aborman@pbcgov.org

From: Richard Oftedal L.
Sent: Wednesday, December 31, 2014 8:21 AM
To: Amy Borman
Cc: Peter Blanc
Subject: Re: New Local Rule 9.doc

Short and to the point. My only question is, can a moving party always get a hearing date within 90 days in all civil divisions? Some motions require an hour or more to hear and I would want to avoid the problem where litigants claim they timely moved to schedule a hearing, only to find that there were no dates available until after the 90 day period expires. Thanks.

Sent from my iPad

On Dec 30, 2014, at 7:42 PM, Amy Borman <ABorman@pbcgov.org> wrote:

Hi! Attached please find my attempt at Local Rule 9 - In Re: Timely Filing of Motions.

I kept this for all divisions and for all motions (except summary judgment). I excluded summary judgment because sometimes these motions need to be set on a non jury calendar.

Please let me know what you think as this will need to be circulated for vote in the next few weeks.

Thanks,
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<Local Rule 9.doc>

Amy Borman

From: Amy Borman
Sent: Sunday, January 11, 2015 11:54 AM
To: Jeffrey Colbath; Richard Oftedal L.; Peter Blanc
Cc: Diana Grant
Subject: Local Rule 9 version 2.doc
Attachments: Local Rule 9.doc; Local Rule 9 version 2.doc

Importance: High

Attached please find an amended version of proposed local rule 9. I added the exclusion of evidentiary hearings (which usually require a hearing date outside of the 90 days) and criminal, domestic violence and juvenile section of the family divisions (local rule 1 sets up the divisions). I have also attached the original version for you to compare..

I am in the process of creating an email that Judge Colbath can send out Monday afternoon to all the judges for voting purposes.

Thanks!!

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DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of
January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

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DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of
January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

Amy Borman

From: Richard Oftedal L.
Sent: Sunday, January 11, 2015 11:57 AM
To: Amy Borman; Jeffrey Colbath; Peter Blanc
Cc: Diana Grant
Subject: RE: Local Rule 9 version 2.doc

If the rule does not apply to "hearings that require live testimonial evidence", it would not likely apply to most motions to Quash Service of Process

From: Amy Borman
Sent: Sunday, January 11, 2015 11:54 AM
To: Jeffrey Colbath; Richard Oftedal L.; Peter Blanc
Cc: Diana Grant
Subject: Local Rule 9 version 2.doc
Importance: High

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Amy Borman

From: Amy Borman
Sent: Sunday, January 11, 2015 11:58 AM
To: Richard Oftedal L.; Jeffrey Colbath; Peter Blanc
Cc: Diana Grant
Subject: RE: Local Rule 9 version 2.doc

I was wondering about that.....I can add in that as an exception. I was trying to assist family cases that require live testimony to get the buy in from the family judges.

Amy S. Borman
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Amy Borman

From: Richard Oftedal L.
Sent: Sunday, January 11, 2015 12:01 PM
To: Amy Borman; Jeffrey Colbath; Peter Blanc
Cc: Diana Grant
Subject: RE: Local Rule 9 version 2.doc

Not sure it is worth creating an exception- Motions to Quash are jurisdictional and it is questionable whether we could default a moving party after first filing a Motion to Quash. My experience is that once abandoned, the moving party immediately refiles again.

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Amy Borman

From: Amy Borman
Sent: Sunday, January 11, 2015 12:02 PM
To: Jeffrey Colbath; Peter Blanc; Richard Oftedal L.
Cc: Diana Grant
Subject: FW: Local Rule 9 version 1,2 and 3.doc
Attachments: Local Rule 9.doc; Local Rule 9 version 3.doc; Local Rule 9 version 2.doc

Importance: High

I have attached a version 3 that excepts out motions to quash service of process. Let me know which one you like the best.

Thanks!

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Amy Borman

From: Richard Oftedal L.
Sent: Sunday, January 11, 2015 12:07 PM
To: Amy Borman; Jeffrey Colbath; Peter Blanc
Cc: Diana Grant
Subject: RE: Local Rule 9 version 1,2 and 3.doc

I like the third version best- places the onus on the moving party, as it should be.

From: Amy Borman
Sent: Sunday, January 11, 2015 12:02 PM
To: Jeffrey Colbath; Peter Blanc; Richard Oftedal L.
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Amy Borman

From: Richard Oftedal L.
Sent: Monday, January 12, 2015 8:30 AM
To: Amy Borman; Jeffrey Colbath; Peter Blanc
Cc: Diana Grant
Subject: RE: Draft email with draft attachments (please review and let me know what changes you have)

Gosh- 20 years... . The draft email looks fine. Thanks for your efforts in bringing these issues to the judiciary.

From: Amy Borman
Sent: Sunday, January 11, 2015 8:33 PM
To: Jeffrey Colbath; Richard Oftedal L.; Peter Blanc
Cc: Diana Grant
Subject: Draft email with draft attachments (please review and let me know what changes you have)
Importance: High

Below is a draft email for Judge Colbath to send out to the judiciary (hopefully Monday). Please let me know if there are any changes.

Amy

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

- The first is new Local Rule 9 that will require parties to set motions for hearings within 90 days or otherwise the motion will be deemed abandoned. This is based after the standing order Judge Oftedal currently has in his division AW. This will NOT apply to the criminal, juvenile or domestic violence divisions. It also does NOT apply to motions for summary judgment or evidentiary hearings except for motions to quash service. The parties will have leave to re-file the motion. By having the motions abandoned, cases can continue to proceed through the system, can be set for trial, and can otherwise be case managed more effectively and efficiently. Please remember, this does not deny the motion but rather has the same effect of a party withdrawing a motion from the court's consideration.
- The second rule is an amendment to Local Rule 4 proposed by Judge Peter Blanc and is set forth in paragraph 3. The amendment clarifies what it means to "confer in good faith" prior to parties setting a hearing on Uniform Motion Calendar. By requiring the parties to actually speak, the hope is that UMC hearings will be more productive and not waste valuable judicial time. These amendments were written by Judge Blanc and members of the civil practice committee (Adam Rabin, Theo Kypreos, and Larry Rochefort). There were also a few minor changes with regard to paper files and referring to the courtroom deputy as "bailiff". The additions are underlined and the deletions have been stricken through.
- Judge Blanc, Judge Oftedal and Amy Borman will be available to answer your questions regarding proposed Local Rule 9 and the amendments to Local Rule 4 as well as the Local Rule submission process. I have attached copies of proposed Local Rule 9, the original Local Rule 4 and the amendments to Local Rule 4.

Please let me know no later than Friday, January 16, 2015 if your vote is affirmative or negative to Proposed Local Rule 9 and the amendments to Local Rule 4. You can email or call me with your vote. If 50% of the judges are in favor, we will immediately have the Palm Beach Bar Association and the South County Bar Association publish for comment as publication is required prior to submission to the Supreme Court.

Thank you,

Jeffrey Colbath
Chief Judge

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Sent: Monday, January 12, 2015 12:13 PM
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Cc: Diana Grant
Subject: RE: Draft email with draft attachments (please review and let me know what changes you have)

This looks good. It will be going out later today.

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Sent: Monday, January 12, 2015 8:30 AM
To: Amy Borman; Jeffrey Colbath; Peter Blanc
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:59 PM
To: Ed Garrison
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you for voting.

From: Ed Garrison
Sent: Monday, January 12, 2015 12:37 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

My vote is NEGATIVE to both proposals.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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Chief Judge
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Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845

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Amy Borman

From: Amy Borman
Sent: Monday, January 12, 2015 5:32 PM
To: Jeffrey Colbath; Glenn Kelley
Subject: RE: *Important - Voting needing for submission of local rules*

Yes, a motion being abandoned equates to being withdrawn. If the motion to dismiss is withdrawn, then the plaintiff could move for a judicial default.

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(561) 355-1181 (fax)
aborman@pbcgov.org

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 5:28 PM
To: Glenn Kelley
Cc: Amy Borman
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you. Amy, can you answer Judge Kelley's concern?

From: Glenn Kelley
Sent: Monday, January 12, 2015 5:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I will vote yes for both rules, but I have a question about Local Rule 9. A case has to be at issue before it can be set for trial which means motions directed at the last pleading must be resolved. I know under the civil rules a case is not at issue if a motion to dismiss is pending. I guess my concern is whether a local rule can change that requirement by declaring a motion "abandoned." I am sure that someone has researched this issue (or maybe I have been out of civil for so long that I cannot remember the rules).

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Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
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From: Glenn Kelley
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To: Amy Borman
Subject: RE: *Important - Voting needing for submission of local rules*

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To: Jeffrey Colbath; Glenn Kelley
Subject: RE: *Important - Voting needing for submission of local rules*

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Cc: Amy Borman
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Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
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6. The April Administrative Order Does Not Contravene a Rule of Procedure

The Chief Judge recognizes that an administrative order cannot be inconsistent with a rule of procedure. No civil rule of procedure, however, directs litigants to set motions for hearings within a certain number of days nor is there a rule of procedure that sets forth the consequences that arise for failure to timely set hearings. Moreover, the rules of procedure do not discuss "abandonment". Case law implicitly approves the abandoning of claims or arguments that are not timely brought to the court's attention. *See Bridier v. Burns*, 200 So. 355, 356 (Fla. 1941) (on petition for rehearing the court found that it was reasonable to assume that the appeals had been abandoned by counsel because they had not been brought to the court's attention, briefs had not been filed nor had a request for oral argument been made); *Weatherford v. Weatherford*, 91 So. 2d 179, 180 (Fla. 1956) (assignments of error not argued are considered abandoned); *State Dept. of Revenue v. Kiedaisch*, 670 So. 2d 1058 (Fla. 2d DCA 1996) (court concluded that supplement petition for modification of final judgment was abandoned when party never set the petition for hearing). Thus, the April Administrative Order does not contravene a rule of procedure nor does it deny a litigant due process as a litigant can always re-file an abandoned motion. *Cf. Kurtz v. Kurtz*, 538 So. 2d 892 (Fla. 4th

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Amy Borman

From: Glenn Kelley
Sent: Tuesday, January 13, 2015 8:01 AM
To: Amy Borman
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Okay. Great. That was my only concern.

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Amy Borman

From: Jeffrey Colbath
Sent: Tuesday, January 13, 2015 2:26 PM
To: Caroline Shepherd C.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Caroline Shepherd C.
Sent: Tuesday, January 13, 2015 2:26 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Yes to both

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From: Jeffrey Colbath
Sent: Tuesday, January 13, 2015 4:31 PM
To: Paul Damico
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Paul Damico
Sent: Tuesday, January 13, 2015 4:31 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

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From: Jeffrey Colbath
Sent: Wednesday, January 14, 2015 1:35 PM
To: Edward Artau L.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Edward Artau L.
Sent: Wednesday, January 14, 2015 11:43 AM
To: Jeffrey Colbath
Cc: CAD-ALL JUDGES; CAD-ALL JAS; Amy Borman; Diana Grant; Barbara Dawicke
Subject: Re: *Important - Voting needing for submission of local rules*

I vote yes on both.

Thank you,

Edward Artau

Sent from my iPad

On Jan 12, 2015, at 12:15 PM, Jeffrey Colbath <JColbath@pbcgov.org> wrote:

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**Jeffrey Colbath
Chief Judge
15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845**

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<Local Rule 9 for review.doc>

<Amendment to Local Rule 4.doc>

<Current Local Rule 4.pdf>

Amy Borman

From: Nancy Perez
Sent: Thursday, January 15, 2015 8:42 AM
To: Amy Borman
Subject: FW: *Important - Voting needing for submission of local rules*

Have you addressed Judge Kelley's concerns before I vote? N

From: Glenn Kelley
Sent: Monday, January 12, 2015 5:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I will vote yes for both rules, but I have a question about Local Rule 9. A case has to be at issue before it can be set for trial which means motions directed at the last pleading must be resolved. I know under the civil rules a case is not at issue if a motion to dismiss is pending. I guess my concern is whether a local rule can change that requirement by declaring a motion "abandoned." I am sure that someone has researched this issue (or maybe I have been out of civil for so long that I cannot remember the rules).

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

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Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 8:48 AM
To: Nancy Perez
Subject: Re: *Important - Voting needing for submission of local rules*

Yes.

Sent from my iPhone

On Jan 15, 2015, at 8:42 AM, "Nancy Perez" <NPerez@pbcgov.org> wrote:

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From: Glenn Kelley
Sent: Monday, January 12, 2015 5:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
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Amy Borman

From: Nancy Perez
Sent: Thursday, January 15, 2015 11:48 AM
To: Amy Borman
Subject: RE: *Important - Voting needing for submission of local rules*

What was the response? N

From: Amy Borman
Sent: Thursday, January 15, 2015 8:48 AM
To: Nancy Perez
Subject: Re: *Important - Voting needing for submission of local rules*

Yes.

Sent from my iPhone

On Jan 15, 2015, at 8:42 AM, "Nancy Perez" <NPerez@pbcgov.org> wrote:

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To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
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Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Importance: High

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Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 1:12 PM
To: Nancy Perez
Subject: Re: *Important - Voting needing for submission of local rules*

having the motion deemed abandoned is just like withdrawing it. the plaintiff would then have to move for a judicial default. Judge Kelley's concern was setting the matter for trial while a motion to dismiss is pending

Sent from my iPad

On Jan 15, 2015, at 11:47 AM, "Nancy Perez" <NPerez@pbcgov.org> wrote:

What was the response? N

From: Amy Borman
Sent: Thursday, January 15, 2015 8:48 AM
To: Nancy Perez
Subject: Re: *Important - Voting needing for submission of local rules*

Yes.

Sent from my iPhone

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Cc: Amy Borman; Diana Grant; Barbara Dawicke
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From: Jeffrey Colbath
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To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Amy Borman
Sent: Sunday, January 11, 2015 8:33 PM
To: Jeffrey Colbath; Richard Oftedal L.; Peter Blanc
Cc: Diana Grant
Subject: Draft email with draft attachments (please review and let me know what changes you have)
Attachments: Local Rule 9 for review.doc; Amendment to Local Rule 4.doc; Current Local Rule 4.pdf

Importance: High

Below is a draft email for Judge Colbath to send out to the judiciary (hopefully Monday). Please let me know if there are any changes.

Amy

Dear Judges:

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Thank you,

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 9

IN RE: TIMELY SETTING OF HEARINGS

Pursuant to the authority conferred by rule 2.215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

A party filing a motion in the circuit civil, county civil, family (domestic relations section), foreclosure and probate & guardianship divisions of the court, must schedule the motion for hearing and be heard on the motion within ninety (90) days of the motion's filing. Failure to have the motion set and heard by the trial court will result in the motion being deemed abandoned on the ninety-first (91) day unless leave of court to extend the ninety (90) days is obtained. Leave of court is granted for the party to re-file the motion. This rule does not apply to hearings on motions for summary judgment nor does it apply to hearings that require live testimonial evidence except for hearings on motions to quash service of process.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR

Pursuant to the authority conferred by rule 2.050(b)215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

1. Circuit judges in each division shall conduct a uniform motion calendar on days and at a time specified by the judges of the division.
2. Prior to setting a matter on the motion calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall certify the good faith attempt to resolve.
3. For the Circuit Civil, County Civil and Family (domestic relations) divisions the following apply:
 - a. The term "attempt to resolve the matter" in paragraph 2 requires counsel or a *pro se* litigant with full authority to resolve the matter to confer before serving the Notice of Hearing on the motion to be set on Uniform Motion Calendar.
 - b. The term "confer" in paragraph 3a. requires that the parties' counsel or a *pro se* litigant engage in at least one substantive conversation either in person or by telephone ("Conference") in a good-faith effort to resolve the motion or otherwise narrow the issues raised in the motion without the need to schedule a hearing.
 - c. Coordination of Conference and potential hearing date:
 - 1). In an effort to coordinate the Conference, counsel or a *pro se* litigant serving the hearing ("Notice Counsel") may send an email or letter to, or leave a detailed voice message with, opposing counsel or *pro se* litigant ("Responding Counsel") that proposes the timing of the Conference and the issues to be discussed. At the same time and consistent with the Standards of Professional Courtesy approved by the judges of the Fifteenth Judicial Circuit, Notice Counsel shall propose a minimum of three (3) dates to be used in the event a hearing becomes necessary.

- 2). Responding Counsel must respond promptly to Notice Counsel's communications about coordinating the Conference and scheduling the hearing.
- 3). After two (2) good-faith attempts to coordinate the Conference and the hearing date, including at least one attempt by phone or in person, Notice Counsel may serve a notice of hearing on the motion. Notice Counsel may set the hearing on a mutually agreed date or, if Responding Counsel has not responded to Notice Counsel's attempts to coordinate the Conference or a hearing, on any one of the three dates that Notice Counsel has proposed.
- d. The term "certify the good faith attempt to resolve" requires Notice Counsel to include a Certificate of Compliance (attached hereto as Exhibit "A") on the front page of the Uniform Motion Calendar Notice of Hearing indicating that the Conference has occurred or that the good faith attempt has been made.
- e. If the Conference has not occurred then,
- 1). Notice Counsel must identify in the Certificate of Compliance the dates and times on which Notice Counsel attempted to contact Responding Counsel.
- 2). The Court may review the Certificate of Compliance to determine if the good faither attempts to confer were made
- 3). The Court may review the Certificate of Compliance to determine whether Responding Counsel's failure to respond to the inquiries or communications was reasonable.
- f. The Clerk of Court shall identify in the docket a "notice of hearing" under that title despite that a Certificate of Compliance is included on the front page of the notice of hearing.
- g. In the event that, despite compliance with this order, the issue or issues in the motion remain unresolved, both parties should continue to make a good faith effort to meet and confer prior to the hearing date.
- h. Notice Counsel shall ensure that the Court and the Court's Judicial Assistant are aware of any narrowing of the issues or other resolution regarding the motion as a result of the conference by referencing same in the space indicated on the Certificate of Compliance.
- i. The Court may award sanctions for Notice Counsel's failure to attempt to confer in good faith or for Responding Counsel's failure to respond promptly to Notice Counsel's attempts to confer.

4. Hearings shall be limited to ten minutes per case. If two parties, each side shall be allotted five minutes. If more than two parties, the time shall be allocated by the Court. The ten-minute time limitation shall include the time necessary for the Court to review documents, memoranda, case authority, etc.
5. ~~Unless the moving party makes special arrangements with the clerk's office, the court file will not be present in the hearing room during the uniform motion calendar. Therefore, the moving party must furnish the court a copy of the motion to be heard together with a copy of the notice of hearing. Also, all parties shall furnish the Court with copies of all documents, pleadings and case authority which they wish the Court to consider.~~
6. SCHEDULING -- Except in the criminal division, counsel shall not make appointments with the Court's judicial assistant but shall notice opposing counsel pursuant to the applicable rules of civil procedure. ~~Opposing counsel shall be given reasonable notice. In default and final judgment matters only, a copy of the notice of hearing and a copy of the motion shall be delivered to the clerk, marked "Attention, Uniform Motion Calendar," at least four business days before the hearing. In this instance, the clerk shall deliver the file to the Court prior to the hearing.~~
7. The courtroom deputy bailiff shall call cases for hearing in the order in which counsel signed up on the sheet posted outside the hearing room. Failure of any party to appear at the time set for the commencement of the calendar shall not prevent a party from proceeding with the hearing. If a party called for hearing chooses to wait for an absent party, the matter will be passed over but shall retain its position on that day's calendar.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR
..... :

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DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this 31st day of January, 1991.

/s/
Daniel T. K. Hurley
Chief Judge

Amy Borman

From: Amy Borman
Sent: Monday, January 12, 2015 12:09 PM
To: Jeffrey Colbath
Subject: *Important - Voting needing for submission of local rules*
Attachments: Local Rule 9 for review.doc; Amendment to Local Rule 4.doc; Current Local Rule 4.pdf

Importance: High

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- The second rule is an amendment to Local Rule 4 proposed by Judge Peter Blanc and is set forth in paragraph 3. The amendment clarifies what it means to "confer in good faith" prior to parties setting a hearing on Uniform Motion Calendar. By requiring the parties to actually speak, the hope is that UMC hearings will be more productive and not waste valuable judicial time. These amendments were written by Judge Blanc and members of the civil practice committee (Adam Rabin, Dean Xenick, and Larry Rochefort). There were also a few minor changes with regard to paper files and referring to the courtroom deputy as "bailiff". The additions are underlined and the deletions have been stricken through.
- Judge Blanc, Judge Oftedal and Amy Borman will be available to answer your questions regarding proposed Local Rule 9 and the amendments to Local Rule 4 as well as the Local Rule submission process. I have attached copies of proposed Local Rule 9, the original Local Rule 4 and the amendments to Local Rule 4.

Please let me know no later than Friday, January 16, 2015 if your vote is affirmative or negative to Proposed Local Rule 9 and the amendments to Local Rule 4. You can email or call me with your vote. If 50% of the judges are in favor, we will immediately have the Palm Beach Bar Association and the South County Bar Association publish for comment as publication is required prior to submission to the Supreme Court.

Thank you,

Jeffrey Colbath
Chief Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 9

IN RE: TIMELY SETTING OF HEARINGS

Pursuant to the authority conferred by rule 2.215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

A party filing a motion in the circuit civil, county civil, family (domestic relations section), foreclosure and probate & guardianship divisions of the court, must schedule the motion for hearing and be heard on the motion within ninety (90) days of the motion's filing. Failure to have the motion set and heard by the trial court will result in the motion being deemed abandoned on the ninety-first (91) day unless leave of court to extend the ninety (90) days is obtained. Leave of court is granted for the party to re-file the motion. This rule does not apply to hearings on motions for summary judgment nor does it apply to hearings that require live testimonial evidence except for hearings on motions to quash service of process.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR

Pursuant to the authority conferred by rule 2.050(b)215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

1. Circuit judges in each division shall conduct a uniform motion calendar on days and at a time specified by the judges of the division.
2. Prior to setting a matter on the motion calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall certify the good faith attempt to resolve.
3. For the Circuit Civil, County Civil and Family (domestic relations) divisions the following apply:
 - a. The term "attempt to resolve the matter" in paragraph 2 requires counsel or a *pro se* litigant with full authority to resolve the matter to confer before serving the Notice of Hearing on the motion to be set on Uniform Motion Calendar.
 - b. The term "confer" in paragraph 3a. requires that the parties' counsel or a *pro se* litigant engage in at least one substantive conversation either in person or by telephone ("Conference") in a good-faith effort to resolve the motion or otherwise narrow the issues raised in the motion without the need to schedule a hearing.
 - c. Coordination of Conference and potential hearing date:
 - 1). In an effort to coordinate the Conference, counsel or a *pro se* litigant serving the hearing ("Notice Counsel") may send an email or letter to, or leave a detailed voice message with, opposing counsel or *pro se* litigant ("Responding Counsel") that proposes the timing of the Conference and the issues to be discussed. At the same time and consistent with the Standards of Professional Courtesy approved by the judges of the Fifteenth Judicial Circuit, Notice Counsel shall propose a minimum of three (3) dates to be used in the event a hearing becomes necessary.

- 2). Responding Counsel must respond promptly to Notice Counsel's communications about coordinating the Conference and scheduling the hearing.
- 3). After two (2) good-faith attempts to coordinate the Conference and the hearing date, including at least one attempt by phone or in person, Notice Counsel may serve a notice of hearing on the motion. Notice Counsel may set the hearing on a mutually agreed date or, if Responding Counsel has not responded to Notice Counsel's attempts to coordinate the Conference or a hearing, on any one of the three dates that Notice Counsel has proposed.
- d. The term "certify the good faith attempt to resolve" requires Notice Counsel to include a Certificate of Compliance (attached hereto as Exhibit "A") on the front page of the Uniform Motion Calendar Notice of Hearing indicating that the Conference has occurred or that the good faith attempt has been made.
- e. If the Conference has not occurred then:
- 1). Notice Counsel must identify in the Certificate of Compliance the dates and times on which Notice Counsel attempted to contact Responding Counsel.
- 2). The Court may review the Certificate of Compliance to determine if the good faither attempts to confer were made
- 3). The Court may review the Certificate of Compliance to determine whether Responding Counsel's failure to respond to the inquiries or communications was reasonable.
- f. The Clerk of Court shall identify in the docket a "notice of hearing" under that title despite that a Certificate of Compliance is included on the front page of the notice of hearing.
- g. In the event that, despite compliance with this order, the issue or issues in the motion remain unresolved, both parties should continue to make a good faith effort to meet and confer prior to the hearing date.
- h. Notice Counsel shall ensure that the Court and the Court's Judicial Assistant are aware of any narrowing of the issues or other resolution regarding the motion as a result of the conference by referencing same in the space indicated on the Certificate of Compliance.
- i. The Court may award sanctions for Notice Counsel's failure to attempt to confer in good faith or for Responding Counsel's failure to respond promptly to Notice Counsel's attempts to confer.

4. Hearings shall be limited to ten minutes per case. If two parties, each side shall be allotted five minutes. If more than two parties, the time shall be allocated by the Court. The ten-minute time limitation shall include the time necessary for the Court to review documents, memoranda, case authority, etc.
5. ~~Unless the moving party makes special arrangements with the clerk's office, the court file will not be present in the hearing room during the uniform motion calendar. Therefore, the moving party must furnish the court a copy of the motion to be heard together with a copy of the notice of hearing. Also, all parties shall furnish the Court with copies of all documents, pleadings and case authority which they wish the Court to consider.~~
6. SCHEDULING -- Except in the criminal division, counsel shall not make appointments with the Court's judicial assistant but shall notice opposing counsel pursuant to the applicable rules of civil procedure. ~~Opposing counsel shall be given reasonable notice. In default and final judgment matters only, a copy of the notice of hearing and a copy of the motion shall be delivered to the clerk, marked "Attention, Uniform Motion Calendar," at least four business days before the hearing. In this instance, the clerk shall deliver the file to the Court prior to the hearing.~~
7. The ~~courtroom deputy bailiff~~ shall call cases for hearing in the order in which counsel signed up on the sheet posted outside the hearing room. Failure of any party to appear at the time set for the commencement of the calendar shall not prevent a party from proceeding with the hearing. If a party called for hearing chooses to wait for an absent party, the matter will be passed over but shall retain its position on that day's calendar.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR
..... :

Pursuant to the authority conferred by rule 2.050(b),
Fla.R.Jud.Admin., it is

ORDERED as follows:

(1) Circuit judges in each division shall conduct a uniform motion calendar on days and at a time specified by the judges of the division.

(2) Prior to setting a matter on the motion calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall certify the good faith attempt to resolve.

(3) Hearings shall be limited to ten minutes per case. If two parties, each side shall be allotted five minutes. If more than two parties, the time shall be allocated by the Court. The ten-minute time limitation shall include the time necessary for the Court to review documents, memoranda, case authority, etc.

(4) Unless the moving party makes special arrangements with the clerk's office, the court file will not be present in the hearing room during the uniform motion calendar. Therefore, the moving party must furnish the court a copy of the motion to be heard together with a copy of the notice of hearing. Also, all parties shall furnish the Court with copies of all documents, pleadings and case authority which they wish the Court to consider.

(5) SCHEDULING -- Except in the criminal division, counsel shall not make appointments with the Court's judicial assistant but shall notice opposing counsel pursuant to the applicable rules of civil procedure. Opposing counsel shall

be given reasonable notice. In default and final judgment matters only, a copy of the notice of hearing and a copy of the motion shall be delivered to the clerk, marked "Attention, Uniform Motion Calendar," at least four business days before the hearing. In this instance, the clerk shall deliver the file to the Court prior to the hearing.

(6) The bailiff shall call cases for hearing in the order in which counsel signed up on the sheet posted outside the hearing room. Failure of any party to appear at the time set for the commencement of the calendar shall not prevent a party from proceeding with the hearing. If a party called for hearing chooses to wait for an absent party, the matter will be passed over but shall retain its position on that day's calendar.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this 31st day of January, 1991.

/s/
Daniel T. K. Hurley
Chief Judge

Amy Borman

From: Richard Oftedal L.
Sent: Wednesday, December 31, 2014 8:21 AM
To: Amy Borman
Cc: Peter Blanc
Subject: Re: New Local Rule 9.doc

Short and to the point. My only question is, can a moving party always get a hearing date within 90 days in all civil divisions? Some motions require an hour or more to hear and I would want to avoid the problem where litigants claim they timely moved to schedule a hearing, only to find that there were no dates available until after the 90 day period expires. Thanks.

Sent from my iPad

On Dec 30, 2014, at 7:42 PM, Amy Borman <ABorman@pbcgov.org> wrote:

Hi! Attached please find my attempt at Local Rule 9 - In Re: Timely Filing of Motions.

I kept this for all divisions and for all motions (except summary judgment). I excluded summary judgment because sometimes these motions need to be set on a non jury calendar.

Please let me know what you think as this will need to be circulated for vote in the next few weeks.

Thanks,
Amy

Please be advised that Florida has a broad public records law, and all correspondence to me via email may be subject to disclosure. Under Florida records law (SB80 effective 7-01-06), email addresses are public records. If you do not want your email address released in response to a public records request, do not send emails to this entity. Instead, contact this office by phone or in writing.

<Local Rule 9.doc>

Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Attachments: Local Rule 9 for review.doc; Amendment to Local Rule 4.doc; Current Local Rule 4.pdf

Importance: High

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

- The first is new Local Rule 9 that will require parties to set motions for hearings within 90 days or otherwise the motion will be deemed abandoned. This is based after the standing order Judge Oftedal currently has in his division AW. This will NOT apply to the criminal, juvenile or domestic violence divisions. It also does NOT apply to motions for summary judgment or evidentiary hearings except for motions to quash service. The parties will have leave to re-file the motion. By having the motions abandoned, cases can continue to proceed through the system, can be set for trial, and can otherwise be case managed more effectively and efficiently. Please remember, this does not deny the motion but rather has the same effect of a party withdrawing a motion from the court's consideration.
- The second rule is an amendment to Local Rule 4 proposed by Judge Peter Blanc and is set forth in paragraph 3. The amendment clarifies what it means to "confer in good faith" prior to parties setting a hearing on Uniform Motion Calendar. By requiring the parties to actually speak, the hope is that UMC hearings will be more productive and not waste valuable judicial time. These amendments were written by Judge Blanc and members of the civil practice committee (Adam Rabin, Dean Xenick, and Larry Rochefort). There were also a few minor changes with regard to paper files and referring to the courtroom deputy as "bailiff". The additions are underlined and the deletions have been stricken through.
- Judge Blanc, Judge Oftedal and Amy Borman will be available to answer your questions regarding proposed Local Rule 9 and the amendments to Local Rule 4 as well as the Local Rule submission process. I have attached copies of proposed Local Rule 9, the original Local Rule 4 and the amendments to Local Rule 4.

Please let me know no later than Friday, January 16, 2015 if your vote is affirmative or negative to Proposed Local Rule 9 and the amendments to Local Rule 4. You can email or call me with your vote. If 50% of the judges are in favor, we will immediately have the Palm Beach Bar Association and the South County Bar Association publish for comment as publication is required prior to submission to the Supreme Court.

**Jeffrey Colbath
Chief Judge
15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy**

West Palm Beach, FL 33401
561-355-7845

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 9

IN RE: TIMELY SETTING OF HEARINGS

Pursuant to the authority conferred by rule 2.215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

A party filing a motion in the circuit civil, county civil, family (domestic relations section), foreclosure and probate & guardianship divisions of the court, must schedule the motion for hearing and be heard on the motion within ninety (90) days of the motion's filing. Failure to have the motion set and heard by the trial court will result in the motion being deemed abandoned on the ninety-first (91) day unless leave of court to extend the ninety (90) days is obtained. Leave of court is granted for the party to re-file the motion. This rule does not apply to hearings on motions for summary judgment nor does it apply to hearings that require live testimonial evidence except for hearings on motions to quash service of process.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR

Pursuant to the authority conferred by rule 2.050(b)215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

1. Circuit judges in each division shall conduct a uniform motion calendar on days and at a time specified by the judges of the division.
2. Prior to setting a matter on the motion calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall certify the good faith attempt to resolve.
3. For the Circuit Civil, County Civil and Family (domestic relations) divisions the following apply:
 - a. The term "attempt to resolve the matter" in paragraph 2 requires counsel or a *pro se* litigant with full authority to resolve the matter to confer before serving the Notice of Hearing on the motion to be set on Uniform Motion Calendar.
 - b. The term "confer" in paragraph 3a. requires that the parties' counsel or a *pro se* litigant engage in at least one substantive conversation either in person or by telephone ("Conference") in a good-faith effort to resolve the motion or otherwise narrow the issues raised in the motion without the need to schedule a hearing.
 - c. Coordination of Conference and potential hearing date:
 - 1). In an effort to coordinate the Conference, counsel or a *pro se* litigant serving the hearing ("Notice Counsel") may send an email or letter to, or leave a detailed voice message with, opposing counsel or *pro se* litigant ("Responding Counsel") that proposes the timing of the Conference and the issues to be discussed. At the same time and consistent with the Standards of Professional Courtesy approved by the judges of the Fifteenth Judicial Circuit, Notice Counsel shall propose a minimum of three (3) dates to be used in the event a hearing becomes necessary.

- 2). Responding Counsel must respond promptly to Notice Counsel's communications about coordinating the Conference and scheduling the hearing.
- 3). After two (2) good-faith attempts to coordinate the Conference and the hearing date, including at least one attempt by phone or in person, Notice Counsel may serve a notice of hearing on the motion. Notice Counsel may set the hearing on a mutually agreed date or, if Responding Counsel has not responded to Notice Counsel's attempts to coordinate the Conference or a hearing, on any one of the three dates that Notice Counsel has proposed.
- d. The term "certify the good faith attempt to resolve" requires Notice Counsel to include a Certificate of Compliance (attached hereto as Exhibit "A") on the front page of the Uniform Motion Calendar Notice of Hearing indicating that the Conference has occurred or that the good faith attempt has been made.
- e. If the Conference has not occurred then:
 - 1). Notice Counsel must identify in the Certificate of Compliance the dates and times on which Notice Counsel attempted to contact Responding Counsel.
 - 2). The Court may review the Certificate of Compliance to determine if the good faither attempts to confer were made
 - 3). The Court may review the Certificate of Compliance to determine whether Responding Counsel's failure to respond to the inquiries or communications was reasonable.
- f. The Clerk of Court shall identify in the docket a "notice of hearing" under that title despite that a Certificate of Compliance is included on the front page of the notice of hearing.
- g. In the event that, despite compliance with this order, the issue or issues in the motion remain unresolved, both parties should continue to make a good faith effort to meet and confer prior to the hearing date.
- h. Notice Counsel shall ensure that the Court and the Court's Judicial Assistant are aware of any narrowing of the issues or other resolution regarding the motion as a result of the conference by referencing same in the space indicated on the Certificate of Compliance.
- i. The Court may award sanctions for Notice Counsel's failure to attempt to confer in good faith or for Responding Counsel's failure to respond promptly to Notice Counsel's attempts to confer.

4. Hearings shall be limited to ten minutes per case. If two parties, each side shall be allotted five minutes. If more than two parties, the time shall be allocated by the Court. The ten-minute time limitation shall include the time necessary for the Court to review documents, memoranda, case authority, etc.
5. ~~Unless the moving party makes special arrangements with the clerk's office, the court file will not be present in the hearing room during the uniform motion calendar. Therefore, †~~The moving party must furnish the court a copy of the motion to be heard together with a copy of the notice of hearing. Also, all parties shall furnish the Court with copies of all documents, pleadings and case authority which they wish the Court to consider.
6. SCHEDULING -- Except in the criminal division, counsel shall not make appointments with the Court's judicial assistant but shall notice opposing counsel pursuant to the applicable rules of civil procedure. Opposing counsel shall be given reasonable notice. In default and final judgment matters only, a copy of the notice of hearing and a copy of the motion shall be delivered to the clerk, marked "Attention, Uniform Motion Calendar," at least four business days before the hearing. ~~In this instance, the clerk shall deliver the file to the Court prior to the hearing.~~
7. The courtroom deputy ~~baiff~~ shall call cases for hearing in the order in which counsel signed up on the sheet posted outside the hearing room. Failure of any party to appear at the time set for the commencement of the calendar shall not prevent a party from proceeding with the hearing. If a party called for hearing chooses to wait for an absent party, the matter will be passed over but shall retain its position on that day's calendar.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR
..... :

Pursuant to the authority conferred by rule 2.050(b),
Fla.R.Jud.Admin., it is

ORDERED as follows:

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DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this 31st day of January, 1991.

/s/
Daniel T. K. Hurley
Chief Judge

Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:35 PM
To: Amy Borman
Cc: Diana Grant
Subject: FW: *Important - Voting needing for submission of local rules*
Attachments: Local Rule 9 for review.doc; Amendment to Local Rule 4.doc; Current Local Rule 4.pdf

Importance: High

Please keep track of the votes. I will forward the responses as they come to me. I vote yes.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

- The first is new Local Rule 9 that will require parties to set motions for hearings within 90 days or otherwise the motion will be deemed abandoned. This is based after the standing order Judge Oftedal currently has in his division AW. This will NOT apply to the criminal, juvenile or domestic violence divisions. It also does NOT apply to motions for summary judgment or evidentiary hearings except for motions to quash service. The parties will have leave to re-file the motion. By having the motions abandoned, cases can continue to proceed through the system, can be set for trial, and can otherwise be case managed more effectively and efficiently. Please remember, this does not deny the motion but rather has the same effect of a party withdrawing a motion from the court's consideration.
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Please let me know no later than Friday, January 16, 2015 if your vote is affirmative or negative to Proposed Local Rule 9 and the amendments to Local Rule 4. You can email or call me with your vote. If 50% of the judges are in

favor, we will immediately have the Palm Beach Bar Association and the South County Bar Association publish for comment as publication is required prior to submission to the Supreme Court.

Jeffrey Colbath
Chief Judge
15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:59 PM
To: Amy Borman
Subject: FW: *Important - Voting needing for submission of local rules*

From: Ed Garrison
Sent: Monday, January 12, 2015 12:37 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

My vote is NEGATIVE to both proposals.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

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Please let me know no later than Friday, January 16, 2015 if your vote is affirmative or negative to Proposed Local Rule 9 and the amendments to Local Rule 4. You can email or call me with your vote. If 50% of the judges are in favor, we will immediately have the Palm Beach Bar Association and the South County Bar Association publish for comment as publication is required prior to submission to the Supreme Court.

Jeffrey Colbath
Chief Judge
15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845

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Amy Borman

From: David French
Sent: Monday, January 12, 2015 1:29 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote YEA

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845

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Amy Borman

From: Meenu Sasser
Sent: Monday, January 12, 2015 1:49 PM
To: Jeffrey Colbath; Amy Borman; Richard Oftedal L.
Subject: RE: *Important - Voting needing for submission of local rules*

Yes as to both.

Only question is there any appellate authority to support Local rule 9 and/or have any other circuits adopted such a local rule? Just want to make sure we are on firm appellate ground.

Judge Meenu T. Sasser
Circuit Civil Division "A1"
Fifteenth Judicial Circuit of Florida
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-7817

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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Amy Borman

From: Peter Blanc
Sent: Monday, January 12, 2015 2:20 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes and yes.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Donald Hafele
Sent: Monday, January 12, 2015 2:28 PM
To: Peter Blanc; Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

My vote is also yes to both.

DWH

From: Peter Blanc
Sent: Monday, January 12, 2015 2:20 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes and yes.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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Amy Borman

From: James Martz
Sent: Monday, January 12, 2015 2:35 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and Yes

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:15 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*

Dear Judges:

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Amy Borman

From: Jack Cox S.
Sent: Monday, January 12, 2015 2:38 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and Yes

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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From: Jack Cox S.
Sent: Monday, January 12, 2015 2:40 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Oh Chief Judge

Can it have retroactive effect as to all motions currently filed? (Rule 9)

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Rosemarie Scher M.
Sent: Monday, January 12, 2015 3:05 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and yes. Thanks so much.
Rose

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: David Crow
Sent: Monday, January 12, 2015 3:14 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

No-brainer in my view, just wish I would have thought to implement such a rule years ago.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Samantha Feuer S.
Sent: Monday, January 12, 2015 3:26 PM
To: Jeffrey Colbath
Cc: Amy Borman
Subject: Re: *Important - Voting needing for submission of local rules*

Yes and Yes. Thank you.

Best, Samantha Schosberg Feuer

Please excuse all typographical errors. Thank you

On Jan 12, 2015, at 12:15 PM, Jeffrey Colbath <JColbath@pbcgov.org> wrote:

Dear Judges:

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<Local Rule 9 for review.doc>

<Amendment to Local Rule 4.doc>

<Current Local Rule 4.pdf>

Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:36 PM
To: Sheree Cunningham
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Sheree Cunningham
Sent: Monday, January 12, 2015 1:09 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

I concur with new proposed Local rule and the amended Local rule.

Sheree Cunningham

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:37 PM
To: David French
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: David French
Sent: Monday, January 12, 2015 1:29 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote YEA

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:37 PM
To: Charles Burton
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Charles Burton
Sent: Monday, January 12, 2015 1:33 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes to both Local Rule 4 and 9

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:37 PM
To: Meenu Sasser; Amy Borman; Richard Oftedal L.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Meenu Sasser
Sent: Monday, January 12, 2015 1:49 PM
To: Jeffrey Colbath; Amy Borman; Richard Oftedal L.
Subject: RE: *Important - Voting needing for submission of local rules*

Yes as to both.

Only question is there any appellate authority to support Local rule 9 and/or have any other circuits adopted such a local rule? Just want to make sure we are on firm appellate ground.

Judge Meenu T. Sasser
Circuit Civil Division "A1"
Fifteenth Judicial Circuit of Florida
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-7817

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:38 PM
To: Peter Blanc
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Peter Blanc
Sent: Monday, January 12, 2015 2:20 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes and yes.

From: Jeffrey Colbath
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Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:39 PM
To: Donald Hafele
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Donald Hafele
Sent: Monday, January 12, 2015 2:28 PM
To: Peter Blanc; Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

My vote is also yes to both.

DWH

From: Peter Blanc
Sent: Monday, January 12, 2015 2:20 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes and yes.

From: Jeffrey Colbath
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To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:40 PM
To: James Martz
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: James Martz
Sent: Monday, January 12, 2015 2:35 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and Yes

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:15 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*

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From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:40 PM
To: Jack Cox S.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Jack Cox S.
Sent: Monday, January 12, 2015 2:38 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

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From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:40 PM
To: Catherine M. Brunson
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Catherine M. Brunson
Sent: Monday, January 12, 2015 2:49 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Yes to both rules.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:41 PM
To: Rosemarie Scher M.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Rosemarie Scher M.
Sent: Monday, January 12, 2015 3:05 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and yes. Thanks so much.

Rose

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:41 PM
To: Lisa Small S.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Lisa Small S.
Sent: Monday, January 12, 2015 3:06 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes to both.

Thanks.

Lisa

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:41 PM
To: Laura Johnson
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Laura Johnson
Sent: Monday, January 12, 2015 3:12 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and yes.
Laura Johnson

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:41 PM
To: David Crow
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: David Crow
Sent: Monday, January 12, 2015 3:14 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

No-brainer in my view, just wish I would have thought to implement such a rule years ago.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:42 PM
To: Kathleen Kroll
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Kathleen Kroll
Sent: Monday, January 12, 2015 3:17 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes to all.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:42 PM
To: Samantha Feuer S.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Samantha Feuer S.
Sent: Monday, January 12, 2015 3:26 PM
To: Jeffrey Colbath
Cc: Amy Borman
Subject: Re: *Important - Voting needing for submission of local rules*

Yes and Yes. Thank you.

Best, Samantha Schosberg Feuer

Please excuse all typographical errors. Thank you

On Jan 12, 2015, at 12:15 PM, Jeffrey Colbath <JColbath@pbcgov.org> wrote:

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<Local Rule 9 for review.doc>

<Amendment to Local Rule 4.doc>

<Current Local Rule 4.pdf>

Amy Borman

From: John Phillips
Sent: Monday, January 12, 2015 3:45 PM
To: Jeffrey Colbath; Peter Blanc
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

"Notice Counsel" and "Responding Counsel" definitions will cause confusion and additional wrangling and motion practice in cases involving one or more pro se litigants. I believe over 50% of our Family cases now involve pro se parties on at least one side. Communication with pro se litigants by attorneys representing the opposite side is fraught with peril when the pro se litigant is not of a reasonable mindset.

That said, I am **in favor** of the concept set forth in proposed Amendment to Local Rule 4. I don't have any suggestions other than a clarification of the definitions I mentioned.

I am **in favor** of new Local Rule 9.

Thanks for asking our opinions! John Phillips

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Sent: Monday, January 12, 2015 12:16 PM
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Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:50 PM
To: John Phillips
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: John Phillips
Sent: Monday, January 12, 2015 3:45 PM
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I am **in favor** of new Local Rule 9.

Thanks for asking our opinions! John Phillips

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 3:56 PM
To: Krista Marx
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Krista Marx
Sent: Monday, January 12, 2015 3:54 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Affirmative to both

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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Jeffrey Colbath
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15th Judicial Circuit
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561-355-7845

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 4:23 PM
To: Peter Evans
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Peter Evans
Sent: Monday, January 12, 2015 4:20 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

affirmative

From: Jeffrey Colbath
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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 4:35 PM
To: Gregory Keyser M.
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Gregory Keyser M.
Sent: Monday, January 12, 2015 4:34 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

I vote YES to both amendments. Thanks....Greg

Gregory M. Keyser
Circuit Court Judge
Division AD
Courtroom 11D
15th Judicial Circuit
205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-1873

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Amy Borman

From: Richard Oftedal L.
Sent: Monday, January 12, 2015 4:46 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and Yes.

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From: Jeffrey Colbath
Sent: Monday, January 12, 2015 4:49 PM
To: Robert Panse
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Robert Panse
Sent: Monday, January 12, 2015 4:48 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and Yes.

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 4:56 PM
To: Janis Keyser
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Janis Keyser
Sent: Monday, January 12, 2015 4:55 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Yes to both.

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Amy Borman

From: Glenn Kelley
Sent: Monday, January 12, 2015 5:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I will vote yes for both rules, but I have a question about Local Rule 9. A case has to be at issue before it can be set for trial which means motions directed at the last pleading must be resolved. I know under the civil rules a case is not at issue if a motion to dismiss is pending. I guess my concern is whether a local rule can change that requirement by declaring a motion "abandoned." I am sure that someone has researched this issue (or maybe I have been out of civil for so long that I cannot remember the rules).

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Amy Borman

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 5:28 PM
To: Glenn Kelley
Cc: Amy Borman
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you. Amy, can you answer Judge Kelley's concern?

From: Glenn Kelley
Sent: Monday, January 12, 2015 5:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
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Amy Borman

From: Jaimie Goodman R.
Sent: Monday, January 12, 2015 5:31 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes and yes. Thanks.

Jaimie

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

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Jeffrey Colbath
Chief Judge
15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845

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Amy Borman

From: John Kastrenakes S.
Sent: Monday, January 12, 2015 6:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes and Yes
JK

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Amy Borman

From: Kirk Volker C.
Sent: Tuesday, January 13, 2015 8:00 AM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Dear Judge Colbath,

I vote yes to both. Thank you.

Kirk C. Volker
Circuit Judge, Juvenile Division

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Jeffrey Colbath
Sent: Tuesday, January 13, 2015 8:48 AM
To: Jaimie Goodman R.
Cc: Amy Borman
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Jaimie Goodman R.
Sent: Monday, January 12, 2015 5:31 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

I vote yes and yes. Thanks.

Jaimie

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
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Sent: Tuesday, January 13, 2015 8:48 AM
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Subject: RE: *Important - Voting needing for submission of local rules*

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Sent: Monday, January 12, 2015 6:27 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
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Yes and Yes

JK

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Amy Borman

From: Jeffrey Colbath
Sent: Tuesday, January 13, 2015 9:52 AM
To: Jeffrey Gillen
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Jeffrey Gillen
Sent: Tuesday, January 13, 2015 8:05 AM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

I vote "yes" on 4 and 9.

Jeffrey Dana Gillen
Circuit Judge
Fifteenth Judicial Circuit
Delray Beach, Florida

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
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Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Amy Borman

From: Jeffrey Colbath
Sent: Tuesday, January 13, 2015 11:55 AM
To: Frank Castor
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Frank Castor
Sent: Tuesday, January 13, 2015 11:55 AM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Jeff,

I agree with the proposed rules.

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Amy Borman

From: Jeffrey Colbath
Sent: Tuesday, January 13, 2015 12:17 PM
To: Reginald Corlew
Subject: RE: *Important - Voting needing for submission of local rules*

Great. Thank you.

From: Reginald Corlew
Sent: Tuesday, January 13, 2015 12:16 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Jeff, I have reviewed the Local Rule No. 9 and Local Rule No. 4 and vote in the affirmative of each rule. Particularly in the Timely Setting of Hearings, this should help us in the many dormant motions filed in the PIP cases.

From: Jeffrey Colbath
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To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
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Amy Borman

From: Paul Damico
Sent: Tuesday, January 13, 2015 4:31 PM
To: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: RE: *Important - Voting needing for submission of local rules*

Yes to both.

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Amy Borman

From: Amy Smith
Sent: Wednesday, January 14, 2015 11:01 AM
To: Jeffrey Colbath
Cc: CAD-ALL JUDGES; CAD-ALL JAS; Amy Borman; Diana Grant; Barbara Dawicke
Subject: Re: *Important - Voting needing for submission of local rules*

Affirmative on both

Sent from my iPad

On Jan 12, 2015, at 12:15 PM, Jeffrey Colbath <JColbath@pbcgov.org> wrote:

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Please let me know no later than Friday, January 16, 2015 if your vote is affirmative or negative to Proposed Local Rule 9 and the amendments to Local Rule 4. You can email or call me with your vote. If 50% of the judges are in favor, we will immediately have the Palm Beach Bar Association and the South County Bar Association publish for comment as publication is required prior to submission to the Supreme Court.

Jeffrey Colbath
Chief Judge
15th Judicial Circuit
Palm Beach County, Florida
205 N. Dixie Hwy
West Palm Beach, FL 33401
561-355-7845

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<Local Rule 9 for review.doc>

<Amendment to Local Rule 4.doc>

<Current Local Rule 4.pdf>

Amy Borman

From: Jeffrey Colbath
Sent: Wednesday, January 14, 2015 11:11 AM
To: Amy Smith
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Amy Smith
Sent: Wednesday, January 14, 2015 11:01 AM
To: Jeffrey Colbath
Cc: CAD-ALL JUDGES; CAD-ALL JAS; Amy Borman; Diana Grant; Barbara Dawicke
Subject: Re: *Important - Voting needing for submission of local rules*

Affirmative on both

Sent from my iPad

On Jan 12, 2015, at 12:15 PM, Jeffrey Colbath <JColbath@pbcgov.org> wrote:

Dear Judges:

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<Local Rule 9 for review.doc>

<Amendment to Local Rule 4.doc>

<Current Local Rule 4.pdf>

Amy Borman

From: Edward Artau L.
Sent: Wednesday, January 14, 2015 11:43 AM
To: Jeffrey Colbath
Cc: CAD-ALL JUDGES; CAD-ALL JAS; Amy Borman; Diana Grant; Barbara Dawicke
Subject: Re: *Important - Voting needing for submission of local rules*

I vote yes on both.

Thank you,

Edward Artau

Sent from my iPad

On Jan 12, 2015, at 12:15 PM, Jeffrey Colbath <JColbath@pbcgov.org> wrote:

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

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<Amendment to Local Rule 4.doc>

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Amy Borman

From: Thomas Barkdull III
Sent: Wednesday, January 14, 2015 11:44 AM
To: David French
Cc: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS; Amy Borman; Diana Grant; Barbara Dawicke
Subject: Re: *Important - Voting needing for submission of local rules*

I vote yea. THB

Sent from my iPad

On Jan 12, 2015, at 1:28 PM, "David French" <DFrench@pbcgov.org> wrote:

I vote YEA

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

Dear Judges:

It has been quite a long time (maybe even 20 years) since a local rule has been implemented in this circuit. Local rules can be submitted to the Supreme Court in January for review and approval. There is a new proposed local rule (Local Rule 9) and an amendment to Local Rule 4 that I would like for you to review and vote on so that I can make a timely submission to the Supreme Court.

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Amy Borman

From: Jeffrey Colbath
Sent: Wednesday, January 14, 2015 1:35 PM
To: Thomas Barkdull III
Subject: RE: *Important - Voting needing for submission of local rules*

Thank you.

From: Thomas Barkdull III
Sent: Wednesday, January 14, 2015 11:44 AM
To: David French
Cc: Jeffrey Colbath; CAD-ALL JUDGES; CAD-ALL JAS; Amy Borman; Diana Grant; Barbara Dawicke
Subject: Re: *Important - Voting needing for submission of local rules*

I vote yea. THB

Sent from my iPad

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I vote YEA

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
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Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
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Amy Borman

From: Jeffrey Colbath
Sent: Wednesday, January 14, 2015 3:23 PM
To: Daliah H. Weiss
Subject: RE:

Thank you.

From: Daliah H. Weiss
Sent: Wednesday, January 14, 2015 3:08 PM
To: Jeffrey Colbath
Subject:

I vote yes to both.

Daliah Weiss
County Court Judge
South County Courthouse
200 West Atlantic Avenue
Delray Beach, FL 33444
(561) 894-7725

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Amy Borman

From: Jeffrey Colbath
Sent: Thursday, January 15, 2015 7:47 AM
To: Jessica Ticktin
Subject: RE: *Important - Voting needing for submission of local rules*

Very good points. Thank you.

From: Jessica Ticktin
Sent: Wednesday, January 14, 2015 5:43 PM
To: Jeffrey Colbath
Subject: RE: *Important - Voting needing for submission of local rules*

Judge Colbath,

These are great ideas, and I am voting "Yes and Yes," with a couple caveats.

First, I think Motions for Attorneys Fees should also be exempt from Rule 9. In civil matters, once a case is dismissed, attorneys must file their motions for fees within 30 days. If the motion for fees is abandoned and needs to be re-filed, those attorneys will be barred from recovering their fees.

The only other issue I see with Rule 9, is that there may be some problems when attorneys are unable to get a hearing date within 90 days because of the *court's schedule*, or *the other attorney's unavailability*. Perhaps there is a way to craft some language that a motion would not be abandoned if the reason for a delayed hearing was the court's schedule or opposing counsel's scheduling conflicts.

Thank you for working on improving our rules and procedures. Let me know if there's any way I can help!

Regards,

Jessica Ticktin

From: Jeffrey Colbath
Sent: Monday, January 12, 2015 12:16 PM
To: CAD-ALL JUDGES; CAD-ALL JAS
Cc: Amy Borman; Diana Grant; Barbara Dawicke
Subject: *Important - Voting needing for submission of local rules*
Importance: High

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Amy Borman

From: Palm Beach County Bar Assoc. [pburns@palmbeachbar.ccsend.com] on behalf of Palm Beach County Bar Assoc. [pburns@palmbeachbar.org]
Sent: Thursday, January 15, 2015 4:25 PM
To: Amy Borman
Subject: Important News from the Court

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Important News from the Court

LOCAL RULES

Pursuant to Florida Rule of Judicial Administration 2.215(e), the judges of the Fifteenth Judicial Circuit are notifying attorneys of a proposed amendment to Local Rule 4 and Proposed Local Rule 9 that will be submitted to the Florida Supreme Court on January 30, 2015. More than a majority of the circuit and county judges have approved these rules.

A representative of the local bar association and any interested person may be heard in writing on the amendments to Local Rule 4 and Proposed Local Rule 9. All written submissions are to be sent no later than January 26, 2015 to the Chief Judge in care of:

Amy Borman, General Counsel
205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
ABorman@pbcgov.org

The proposed rules can be found by clicking on the links below:

[Local Rule 4](#)

[Proposed Local Rule 9](#)

COURT DOCUMENTS

Pursuant to Amended Rule of Judicial Administration 2.520, effective January 1, 2015, court documents must have at least a 1 inch margin, be in 12 point ADA accessible font, and the pages must be consecutively numbered.

For documents recorded in the Official Records, there must be a 3x3 inch margin in the upper right hand corner of the first page of the document.

The Palm Beach County Clerk and Comptroller's Office automatically records certain documents in the official records. Click [here](#) to view a list of documents by practice area. The listed documents may be returned by the Court for noncompliance.

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Palm Beach County Bar Association 1507 Belvedere Road West Palm Beach FL 33406

Amy Borman

From: Lisa Hurley, Executive Director [lisa@southpalmbeachbar.org]
Sent: Thursday, January 15, 2015 5:09 PM
To: Amy Borman
Cc: Jeffrey Colbath
Subject: RE: Part 1 Important Court News - (please email out asap)

Done!

From: Amy Borman [mailto:ABorman@pbcbgov.org]
Sent: Thursday, January 15, 2015 3:11 PM
To: Patience Burns; Lisa Hurley
Cc: Jeffrey Colbath
Subject: Part 1 Important Court News - (please email out asap)
Importance: High

Dear Patience and Lisa -

It would be most appreciated if you could send this out to the members ASAP. Thanks!!

Pursuant to Florida Rule of Judicial Administration 2.215(e), the judges of the Fifteenth Judicial Circuit are notifying the Palm Beach County Bar Association and the South Palm Beach County Bar Association of a proposed amendment to Local Rule 4 and Proposed Local Rule 9 that will be submitted to the Florida Supreme Court on January 30, 2015. More than a majority of the circuit and county judges have approved these rules.

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*Amy Borman, General Counsel
205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
ABorman@pbcbgov.org*

The proposed rules are attached.

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Amy Borman

From: South Palm Beach County Bar Association [southcounty@southpalmbeachbar.org]
Sent: Friday, January 16, 2015 9:03 AM
To: Amy Borman
Subject: News from the Court - Proposed Amendments to Local Rule 4 and Local Rule 9

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The South Palm Beach County Bar Association

Pursuant to Florida Rule of Judicial Administration 2.215(e), the judges of the Fifteenth Judicial Circuit are notifying the Palm Beach County Bar Association and the South Palm Beach County Bar Association of a proposed amendment to Local Rule 4 and Proposed Local Rule 9 that will be submitted to the Florida Supreme Court on January 30, 2015. More than a majority of the circuit and county judges have approved these rules.

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205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
ABorman@pbcgov.org

Click to view:

[Proposed Amendment to Local Rule 4.](#)

[Proposed Local Rule 9.](#)

South Palm Beach County Bar Association

9858 Glades Road, #189
Boca Raton, Florida 33428
561-482-3838

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South Palm Beach County Bar Association | 9858 glades Road, #189 | Boca Raton | FL |
33428

Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 3:11 PM
To: 'Patience Burns'; Lisa Hurley
Cc: Jeffrey Colbath
Subject: Part 1 Important Court News - (please email out asap)
Attachments: Proposed Local Rule 9.pdf; Amendment to Local Rule 4.pdf

Importance: High

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205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
ABorman@pbcaov.org*

The proposed rules are attached.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 9

IN RE: TIMELY SETTING OF HEARINGS
_____:

Pursuant to the authority conferred by rule 2.215(e), Fla. R. Jud. Admin., it is
ORDERED as follows:

A party filing a motion in the circuit civil, county civil, family (domestic relations section), foreclosure and probate & guardianship divisions of the court, must schedule the motion for hearing and be heard on the motion within ninety (90) days of the motion's filing. Failure to have the motion set and heard by the trial court will result in the motion being deemed abandoned on the ninety-first (91) day unless leave of court to extend the ninety (90) days is obtained. Leave of court is granted for the party to re-file the motion. This rule does not apply to hearings on motions for summary judgment nor does it apply to hearings that require live testimonial evidence except for hearings on motions to quash service of process.

DONE and SIGNED in Chambers at West Palm Beach, Florida, this _____ day of
January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4

IN RE: UNIFORM MOTION CALENDAR
_____:

Pursuant to the authority conferred by rule 2.050(b)215(e), Fla. R. Jud. Admin., it is **ORDERED** as follows:

1. Circuit judges in each division shall conduct a uniform motion calendar on days and at a time specified by the judges of the division.
2. Prior to setting a matter on the motion calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall certify the good faith attempt to resolve.
3. For the Circuit Civil, County Civil and Family (domestic relations) divisions the following apply:
 - a. The term "attempt to resolve the matter" in paragraph 2 requires counsel or a *pro se* litigant with full authority to resolve the matter to confer before serving the Notice of Hearing on the motion to be set on Uniform Motion Calendar.
 - b. The term "confer" in paragraph 3a. requires that the parties' counsel or a *pro se* litigant engage in at least one substantive conversation either in person or by telephone ("Conference") in a good-faith effort to resolve the motion or otherwise narrow the issues raised in the motion without the need to schedule a hearing.
 - c. Coordination of Conference and potential hearing date:
 - 1). In an effort to coordinate the Conference, counsel or a *pro se* litigant serving the hearing ("Notice Counsel") may send an email or letter to, or leave a detailed voice message with, opposing counsel or *pro se* litigant ("Responding Counsel") that proposes the timing of the Conference and the issues to be discussed. At the same time and consistent with the Standards of Professional Courtesy approved by the judges of the Fifteenth Judicial Circuit, Notice Counsel shall propose a minimum of three (3) dates to be used in the event a hearing becomes necessary.

- 2). Responding Counsel must respond promptly to Notice Counsel's communications about coordinating the Conference and scheduling the hearing.
 - 3). After two (2) good-faith attempts to coordinate the Conference and the hearing date, including at least one attempt by phone or in person, Notice Counsel may serve a notice of hearing on the motion. Notice Counsel may set the hearing on a mutually agreed date or, if Responding Counsel has not responded to Notice Counsel's attempts to coordinate the Conference or a hearing, on any one of the three dates that Notice Counsel has proposed.
- d. The term "certify the good faith attempt to resolve" requires Notice Counsel to include a Certificate of Compliance (attached hereto as Exhibit "A") on the front page of the Uniform Motion Calendar Notice of Hearing indicating that the Conference has occurred or that the good faith attempt has been made.
 - e. If the Conference has not occurred then,
 - 1). Notice Counsel must identify in the Certificate of Compliance the dates and times on which Notice Counsel attempted to contact Responding Counsel.
 - 2). The Court may review the Certificate of Compliance to determine if the good faith attempts to confer were made
 - 3). The Court may review the Certificate of Compliance to determine whether Responding Counsel's failure to respond to the inquiries or communications was reasonable.
 - f. The Clerk of Court shall identify in the docket a "notice of hearing" under that title despite that a Certificate of Compliance is included on the front page of the notice of hearing.
 - g. In the event that, despite compliance with this order, the issue or issues in the motion remain unresolved, both parties should continue to make a good faith effort to meet and confer prior to the hearing date.
 - h. Notice Counsel shall ensure that the Court and the Court's Judicial Assistant are aware of any narrowing of the issues or other resolution regarding the motion as a result of the conference by referencing same in the space indicated on the Certificate of Compliance.
 - i. The Court may award sanctions for Notice Counsel's failure to attempt to confer in good faith or for Responding Counsel's failure to respond promptly to Notice Counsel's attempts to confer.

4. Hearings shall be limited to ten minutes per case. If two parties, each side shall be allotted five minutes. If more than two parties, the time shall be allocated by the Court. The ten-minute time limitation shall include the time necessary for the Court to review documents, memoranda, case authority, etc.
5. ~~Unless the moving party makes special arrangements with the clerk's office, the court file will not be present in the hearing room during the uniform motion calendar. Therefore,~~ ~~†~~ The moving party must furnish the court a copy of the motion to be heard together with a copy of the notice of hearing. Also, all parties shall furnish the Court with copies of all documents, pleadings and case authority which they wish the Court to consider.
6. SCHEDULING -- Except in the criminal division, counsel shall not make appointments with the Court's judicial assistant but shall notice opposing counsel pursuant to the applicable rules of civil procedure. Opposing counsel shall be given reasonable notice. In default and final judgment matters only, a copy of the notice of hearing and a copy of the motion shall be delivered to the clerk, marked "Attention, Uniform Motion Calendar," at least four business days before the hearing. ~~In this instance, the clerk shall deliver the file to the Court prior to the hearing.~~
7. The courtroom deputy bailiff shall call cases for hearing in the order in which counsel signed up on the sheet posted outside the hearing room. Failure of any party to appear at the time set for the commencement of the calendar shall not prevent a party from proceeding with the hearing. If a party called for hearing chooses to wait for an absent party, the matter will be passed over but shall retain its position on that day's calendar.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this _____ day of January, 2015.

Jeffrey J. Colbath
Chief Judge

Amendments approved by the Supreme Court of Florida, INSERT DATE.

Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 3:24 PM
To: 'Patience Burns'
Subject: RE: Part 1 Important Court News - (please email out asap)

5 mintues

Amy S. Borman
General Counsel
15th Judicial Circuit
205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
(561) 355-1927 (direct line)
(561) 355-1181 (fax)
aborman@pbcgov.org

From: Patience Burns [<mailto:pburns@palmbeachbar.org>]
Sent: Thursday, January 15, 2015 3:24 PM
To: Amy Borman
Subject: Re: Part 1 Important Court News - (please email out asap)

When will the second part be coming? I get on a plane in an hour, otherwise it will have to wait until Monday.

- Patience

On Jan 15, 2015, at 3:12 PM, Amy Borman <ABorman@pbcgov.org> wrote:

Dear Patience and Lisa -

It would be most appreciated if you could send this out to the members ASAP. Thanks!!

Pursuant to Florida Rule of Judicial Administration 2.215(e), the judges of the Fifteenth Judicial Circuit are notifying the Palm Beach County Bar Association and the South Palm Beach County Bar Association of a proposed amendment to Local Rule 4 and Proposed Local Rule 9 that will be submitted to the Florida Supreme Court on January 30, 2015. More than a majority of the circuit and county judges have approved these rules.

A representative of the local bar association and any interested person may be heard in writing on the amendments to Local Rule 4 and Proposed Local Rule 9. All written submissions are to be sent no later than January 26, 2015 to the Chief Judge in care of:

*Amy Borman, General Counsel
205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
ABorman@pbcgov.org*

The proposed rules are attached.

Please be advised that Florida has a broad public records law, and all correspondence to me via email may be subject to disclosure. Under Florida records law (SB80 effective 7-01-06), email addresses are public records. If you do not want your email address

released in response to a public records request, do not send emails to this entity.
Instead, contact this office by phone or in writing.

<Proposed Local Rule 9.pdf>

<Amendment to Local Rule 4.pdf>

Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 3:29 PM
To: 'Patience Burns'; Lisa Hurley
Subject: 2ND EMAIL BLAST
Attachments: LIST OF RECORDED DOCUMENTS.pdf

Importance: High

Pursuant to Amended Rule of Judicial Administration 2.520, effective January 1, 2015, court documents must have at least a 1 inch margin, be in 12 point ADA accessible font, and the pages must be consecutively numbered.

For documents recorded in the Official Records, there must be a 3x3 inch margin in the upper right hand corner of the first page of the document.

The Palm Beach County Clerk and Comptroller's Office automatically records certain documents in the official records. Attached is a list of documents by practice area. The listed documents may be returned by the Court for noncompliance.

COURT FILINGS THAT REQUIRE 3x3 INCH MARGIN RIGHT HAND SIDE (first page only) - FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.520

Clerk's Office automatically records these documents in the official records

CIRCUIT CIVIL DOCUMENTS

| CASE TYPE | DOCUMENT TITLE | OR INSTRUMENT TYPE | FACTS EVENT CODE | FACTS EVENT DESC |
|-----------|---------------------------------|--------------------|------------------|---------------------------------|
| CIVIL | AMENDED NOTICE OF APPEAL | CP A | ANOA | AMENDED NOTICE OF APPEAL |
| CIVIL | DEFAULT FINAL JUDGMENT | JUD | DFFJ | DEFAULT FINAL JUDGMENT |
| CIVIL | FINAL JUDGMENT FORECLOSURE | JUD | FJFC | FINAL JUDGMENT FORECLOSURE |
| CIVIL | FINAL JUDGMENT | JUD | FJUD | FINAL JUDGMENT |
| CIVIL | JUDGMENT | JUD | JUD | JUDGMENT |
| CIVIL | NOTICE OF APPEAL | CP | NOA | NOTICE OF APPEAL |
| CIVIL | NOTICE OF CROSS APPEAL | CP | NOCA | NOTICE OF CROSS APPEAL |
| CIVIL | NOTICE OF NON FINAL APPEAL | CP | NONA | NOTICE OF NON FINAL APPEAL |
| CIVIL | ORDER OF DISMISSAL | CP | ODIS | ORDER OF DISMISSAL |
| CIVIL | VERDICT | CP | VER | VERDICT |
| CIVIL | VACATE FINAL JUDGMENT & DISMISS | JUD | VFJD | VACATE FINAL JUDGMENT & DISMISS |

COUNTY CIVIL DOCUMENTS

| CASE TYPE | DOCUMENT TITLE | OR INSTRUMENT TYPE | FACTS EVENT CODE | FACTS EVENT DESC |
|-----------|---------------------------------------|--------------------|------------------|---------------------------------|
| COCIV | AMENDED DEFENDANTS NOTICE OF APPEAL | CP A | ANOA | AMENDED NOTICE OF APPEAL |
| COCIV | FINAL JUDGMENT OF FORECLOSURE | JUD | FJFC | FINAL JUDGMENT FORECLOSURE |
| COCIV | FINAL JUDGMENT | JUD | FJUD | FINAL JUDGMENT |
| COCIV | FINAL ORDER | CP | FORD | FINAL ORDER |
| COCIV | DEFAULT FINAL JUDGMENT | JUD | DFFJ | DEFAULT FINAL JUDGMENT |
| COCIV | JUDGMENT | JUD | JUD | JUDGMENT |
| COCIV | NOTICE OF APPEAL | CP | NOA | NOTICE OF APPEAL |
| COCIV | ORDER OF DISMISSAL FOR LACK OF PROSEC | CP | OLPR | ORDER DISMISS LACK PROSECUTE |
| COCIV | ORDER OF DISMISSAL | CP | ODIS | ORDER OF DISMISSAL |
| COCIV | VERDICT | CP | VER | VERDICT |
| COCIV | FINAL SUMMARY JUDGMENT OF FORECLOSURE | JUD | FJFC | FINAL JUDGMENT FORECLOSURE |
| COCIV | FOR ERECORDING ONLY NO RECOGNITION | JUD | FJDM | FINAL JUD DISSOLVING MARRIAGE |
| COCIV | VACATE FINAL JUDGMENT & DISMISS | JUD | VFJD | VACATE FINAL JUDGMENT & DISMISS |

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PROBATE/GUARDIANSHIP DOCUMENTS

| CASE TYPE | DOCUMENT TITLE | OR INSTRUMENT TYPE | FACTS EVENT CODE | FACTS EVENT DESC |
|-----------|--------------------------------------|--------------------|------------------|--------------------------------|
| PROB | ORDER AUTHORIZING SALE OF REAL PROPE | PRO | ORSP | ORDER AUTH SALE OF REAL PROP |
| PROB | LETTERS OF ADMINISTRATION | PRO | LADM | LETTERS OF ADMINISTRATION |
| PROB | ORDER CLOSING FILE | PRO | OACC | ORDER ADMIN CLOSING CASE |
| PROB | ORDER OF DISCHARGE | PRO | ODCH | ORDER OF DISCHARGE |
| PROB | ORDER OF DISPOSITION | PRO | ODSP | ORDER OF DISPOSITION |
| PROB | ORDER APPOINTING EMERGENCY TEMPORA | CP | OETG | ORDER APPTG EMER TEMP GDN |
| PROB | ORDER APPOINTING LIMITED GUARDIAN OF | CP | OGPN | ORDER APPOINTING GDN OF PERSON |
| PROB | ORDER APPOINTING PLENARY GUARDIAN OF | CP | OGPP | ORDER APPOINTING GDN OF PN/PR |
| PROB | ORDER PROPERTY | CP | OGPR | ORDER APPOINTING GDN OF PROP |
| PROB | ORDER DETERMINING HOMESTEAD | PRO | ORDH | ORDER DETERMINING HOMESTEAD |
| PROB | ORDER FOR INVOLUNTARY ASSESSMENT | CP | ORIA | ORDER INVOLUNTARY ASSESSMENT |
| PROB | FINAL JUDGMENT | PRO | FJUD | FINAL JUDGMENT |
| PROB | NOTICE OF APPEAL | PRO | NOA | NOTICE OF APPEAL |
| PROB | ORDER FOR INVOLUNTARY EXAM | CP | ORIE | ORDER INVOLUNTARY EXAMINATION |
| PROB | ORDER DETERMINING INCAPACITY | CP | ORIN | ORDER DETERMINING INCAPACITY |
| PROB | ORDER AUTHORIZING SALE OF REAL PROPE | PRO | ORSP | ORDER AUTH SALE OF REAL PROP |
| PROB | ORDER FOR INVOLUNTARY PLACEMENT | CP | ORIP | ORDER INVOLUNTARY PLACEMENT |
| PROB | ORDER FOR INVOLUNTARY TREATMENT | CP | ORIT | ORDER INVOLUNTARY TREATMENT |
| PROB | ORDER OF SUMMARY ADMINISTRATION | PRO | ORSA | ORDER SUMMARY ADMINISTRATION |
| PROB | AMENDED NOTICE OF APPEAL | PRO | ANOA | AMENDED NOTICE OF APPEAL |
| PROB | NOTICE OF CROSS APPEAL | PRO | NOCA | NOTICE OF CROSS APPEAL |
| PROB | NOTICE OF NON FINAL APPEAL | PRO | NONA | NOTICE OF NON FINAL APPEAL |

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JUVENILE DOCUMENTS

| CASE_TYPE | DOCUMENT_TITLE | FACTS_EVENT_CODE | |
|-----------|-------------------------------------|------------------|--|
| JUV/DEL | CIVIL RESTITUTION ORDER | CRO | |
| JUV/DEL | ORDER GRANTING TERMINATION PARENTAL | OGTP | |

FAMILY DOCUMENTS

| CASE_TYPE | DOCUMENT_TITLE | FACTS_EVENT_CODE | |
|-----------|--|------------------|--|
| FAM | AGREED ORDER | AGOR | ONLY THOSE THAT INCLUDE MONEY JUDGMENT |
| FAM | FINALIZATION OF ADOPTION | FADOP | |
| FAM | FINAL JUDGMENT OF DISSOLUTION | FJDM | |
| FAM | FINAL JUDGMENT OF PATERNITY | FJPA | |
| FAM | FINAL JUDGMENT | FJUD | |
| FAM | JUDGMENT | JUD | |
| FAM | NOTICE OF APPEAL | NOA | |
| FAM | NOTICE OF CROSS APPEAL | NOCA | |
| FAM | JUDGMENT OF DELINQUENCY | EOFJ | |
| FAM | ORDER OF DISMISSAL | ODIS | |
| FAM | ORDER OF MODIFICATION OF FINAL JUDGEMENT | OMOD | |
| FAM | RECISSION OF JUDGEMENT | REFJ | |
| FAM | STIPULATED SETTLEMENT TO | STOJ | |
| FAM | NOTICE OF NON FINAL APPEAL | NONA | |
| FAM | JUDGMENT/CERTIFICATE OF DELINQUENCY | EOFJ | |
| FAM | NOT RECOGNIZED ONLY FOR RECORDING | FORD | |
| FAM | NOT RECOGNIZED ONLY FOR RECORDING | RCLP | |
| FAM | NOT RECOGNIZED ONLY FOR RECORDING | SROC | |
| FAM | FINAL JUDGEMENT OF ADOPTION | FADOP | |
| FAM | VOLUNTARY DISMISSAL | VOL | |
| FAM | FOR ERECORDING ONLY NO RECOGNITION | FJDM | |
| FAM | VOLUNTARY DISMISSAL | VOL | |

Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 3:29 PM
To: 'Patience Burns'
Subject: RE: Part 1 Important Court News - (please email out asap)

Thanks! Have been in training all day. This was the first chance to get these to you. Sorry for the delay

Amy S. Borman
General Counsel
15th Judicial Circuit
205 North Dixie Highway - 5th Floor
West Palm Beach, Florida 33401
(561) 355-1927 (direct line)
(561) 355-1181 (fax)
aborman@pbcgov.org

From: Patience Burns [<mailto:pburns@palmbeachbar.org>]
Sent: Thursday, January 15, 2015 3:27 PM
To: Amy Borman
Subject: RE: Part 1 Important Court News - (please email out asap)

Ok, I will do my best. Trying to work from my computer at home.

Patience A. Burns, CAE
Executive Director
Palm Beach County Bar Association
1507 Belvedere Road
West Palm Beach, FL 33406
(561) 687-2800

From: Amy Borman [<mailto:ABorman@pbcgov.org>]
Sent: Thursday, January 15, 2015 3:24 PM
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Subject: RE: Part 1 Important Court News - (please email out asap)

5 mintues

Amy S. Borman
General Counsel
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<Proposed Local Rule 9.pdf>

<Amendment to Local Rule 4.pdf>

Amy Borman

From: Amy Borman
Sent: Thursday, January 15, 2015 7:13 PM
To: Patience Burns
Subject: Re: 2ND EMAIL BLAST

Thx again. Have a great retreat!!!

Sent from my iPhone

On Jan 15, 2015, at 3:50 PM, "Patience Burns" <pburns@palmbeachbar.org> wrote:

Ok, it's going out now. Hopefully, no changes, I am leaving for the airport in about 5 minutes

Patience A. Burns, CAE
Executive Director
Palm Beach County Bar Association
1507 Belvedere Road
West Palm Beach, FL 33406
(561) 687-2800

From: Amy Borman [<mailto:ABorman@pbcgov.org>]
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| NAME | Rule 4 | Rule 9 |
|------------------------|--------|--------|
| 1 Ed Artau | 1 | 1 |
| 2 Moses Baker, Jr. | | |
| 3 Thomas Barkdull, III | 1 | 1 |
| 4 Peter Blanc | 1 | 1 |
| 5 August Bonavita | | |
| 6 Ted Booras | | |
| 7 Sandra Bosso-Pardo | | |
| 8 Catherine Brunson | 1 | 1 |
| 9 Marni Bryson | | |
| 10 Charles Burton | 1 | 1 |
| 11 Frank Castor | 1 | 1 |
| 12 Barry Cohen | | |
| 13 Jeffrey Colbath | 1 | 1 |
| 14 Martin Colin | | |
| 15 Reginald Corlew | 1 | 1 |
| 16 Jack Cox | 1 | 1 |
| 17 David Crow | 1 | 1 |
| 18 Sheree Cunningham | 1 | 1 |
| 19 Paul Damico | 1 | 1 |
| 20 Mark Eissey | | |
| 21 Peter Evans | 1 | 1 |
| 22 Samantha Feuer | 1 | 1 |
| 23 David French | 1 | 1 |
| 24 Edward Garrison | 0 | 0 |
| 25 Jeffrey Gillen | 1 | 1 |
| 26 Jaimie Goodman | 1 | 1 |
| 27 Donald Hafele | 1 | 1 |
| 28 Leonard Hanser | | |
| 29 Laura Johnson | 1 | 1 |
| 30 John Kastrenakes | 1 | 1 |
| 31 Glenn Kelley | 1 | 1 |
| 32 Gregory Keyser | 1 | 1 |
| 33 Janis Keyser | 1 | 1 |
| 34 Kathleen Kroll | 1 | 1 |
| 35 James Martz | 1 | 1 |
| 36 Joseph Marx | | |
| 37 Krista Marx | 1 | 1 |
| 38 Karen Miller | | |
| 39 Richard Oftedal | 1 | 1 |
| 40 Robert Panse | 1 | 1 |
| 41 Nancy Perez | | |
| 42 John Phillips | 1 | 1 |
| 43 Stephen Rapp | | |
| 44 Meenu Sasser | 1 | 1 |
| 45 Rosemarie Scher | 1 | 1 |
| 46 Caroline Shepherd | 1 | 1 |

| | | | |
|----|------------------------------------|-----------|---------------------|
| 47 | Lisa Small | 1 | 1 |
| 48 | Amy Smith | 1 | 1 |
| 49 | Debra Moses Stephens | | |
| 50 | Jessica Ticktin | 1 | 1 *made suggestions |
| 51 | Kirk Volker | 1 | 1 |
| 52 | Daliah Weiss | 1 | 1 |
| 53 | OPEN - Howard Coates | | |
| 54 | OPEN - Judge Fine's seat | | |
| | total voting yes: | 37 | 37 |
| | Voted Yes | 37 | |
| | Did not vote | 14 | |
| | Voted No | 1 | |
| | Total Number Sitting Judges | 52 | |
| | Percentage in favor: | 0.7115 | |
| | Percentage not voting | 0.2692 | |
| | Percentage against: | 0.0192 | |