

****EFFECTIVE IMMEDIATELY****

Since February of 2005, the Magistrate's Requirements for Motions and/or Hearings have been available on the Twelfth Judicial Circuit website at www.12circuit.state.fl.us. Those Requirements mandate that the scheduling attorney provide a courtesy copy of each Motion and Notice of Hearing to the Magistrate's office, together with any supporting documents or pleadings, at least one week prior to the scheduled hearing date.

In addition, the scheduling attorney is responsible to provide an Order of Referral to the appropriate Circuit Court Judge to be executed and filed in the court file prior to the scheduled hearing date.

These requirements are not being adhered to on a consistent basis.

Beginning immediately, the Magistrate's assistant will make one phone call only to remind the attorney to send the paperwork. If the paperwork is then not submitted in advance for the Magistrate to review prior to the hearing, the Magistrate will cancel the hearing, and the attorney will have to reschedule.

******EFFECTIVE AS OF ******

JANUARY 12, 2010

The Magistrate will no longer be preparing all of her own Recommended Orders. The Magistrate will be utilizing one of the following alternatives in ruling on motions coming before her:

1. If the Magistrate rules from the bench, she may prepare a handwritten Recommended Order and distribute it to the attorneys present in the courtroom.
2. If the Magistrate rules from the bench, she may assign one of the attorneys present at the hearing to prepare the appropriate Recommended Order and forward it to the Magistrate for signature, along with the appropriate number of postage-paid envelopes for service on parties of record.
3. If the Magistrate takes the ruling under consideration, she will prepare the appropriate Recommended Order.

In preparation for these changes, the Magistrate suggests that all attorneys visit the Twelfth Judicial Circuit website at www.12circuit.state.fl.us where a template for a Recommended Order may be downloaded and saved in MS Word format. The Recommended Order may then be tailored to the particular motion being heard.

In order to streamline the proceedings, attorneys may bring prepared Recommended Orders with them at the time of the scheduled hearing, along with postage-paid envelopes for service on parties of record.

MAGISTRATE DEBORAH A. BAILEY
Assistant - Anita Brass (941) 861-7454
REQUIREMENTS FOR MOTIONS AND/OR HEARINGS

IMPORTANT - PLEASE NOTE:

MOTIONS AND HEARINGS: Magistrate Bailey requires that the scheduling attorney provide a courtesy copy of each Motion and Notice of Hearing to the Magistrate's office, together with any supporting documents or pleadings referenced in the Motion. These documents should be provided to the Magistrate at least one week prior to the scheduled hearing date. In addition, the scheduling attorney is responsible to provide an Order of Referral to Magistrate to be executed by the appropriate Circuit Judge and filed in the court file.

ORDERS OF REFERRAL: Magistrate Bailey is assigned to hear discovery motions, motions directed to the pleadings, and any other motions stipulated to by the parties arising in Circuit Civil Divisions A and C. Motions may only be heard upon the consent of the parties and must be accomplished through the filing of an Order of Referral to Magistrate. A template for this Order may be downloaded from the Twelfth Judicial Circuit website (www.12circuit.state.fl.us) A template for a Recommended Order of Magistrate may also be downloaded from the website.

OFFICE INFORMATION: Office hours are 8:30 a.m. to 5:00 p.m. The office is closed from noon until 1:00 p.m. for lunch. Hearings should be scheduled online at www.12circuit.state.fl.us and are held in Courtroom 5-A at the Lynn Silvertooth Judicial Center, Sarasota FL 34237. Mailing address: P.O. Box 48927, Sarasota FL 34230.

FACSIMILES: The Magistrate's fax number is (941) 861-7459. The Magistrate shares this fax machine with another office; therefore, please notify the Magistrate's office prior to sending a fax. The fax machine is to be used **only for emergencies**. Notices of hearing and other documents should be hand-delivered or mailed to the Magistrate's office.

LOCAL RULES/STANDARDS OF CONDUCT: Local rules for the Twelfth Judicial Circuit are available from the Sarasota County Bar Association (www.sarasotabar.com) and can be accessed via the Circuit's website. Please note: Magistrate Bailey adheres strictly to Local Rules 5(a) and 5(b) regarding discovery motions. All attorneys must also adhere to the Twelfth Judicial Circuit Standards of Professionalism, which are also available on the Sarasota County Bar Association and Twelfth Judicial Circuit websites

FORECLOSURE MATTERS: Until further notice, Administrative Order No. 2001-2.1 requires all counsel to appear **in person** for all hearings assigned to be heard by the Magistrate. No telephone hearings will be permitted.

TELEPHONE APPEARANCES: Magistrate Bailey will routinely allow telephone appearances on non-evidentiary hearings of 30 minutes or less in length. Appearances for non-evidentiary hearings exceeding 30 minutes in length must be cleared with the Magistrate's office. The scheduling attorney must provide a telephone number on the Notice of Hearing for the party who is to be called. When the Magistrate is ready for the hearing, she will initiate a collect call to that party. As there may be multiple hearings scheduled at the same time, the Magistrate may not call at the exact time the hearing is set.

EMERGENCY HEARINGS: There are no set criteria as to emergency hearings, and the Magistrate's Assistant will schedule such hearings only at the direction of the Magistrate. A copy of the motion requesting emergency hearing time must be faxed or hand-delivered to the Magistrate's Office, along with a cover letter designating the amount of time required. An Order of Referral must also be executed for the court file. The Magistrate will review the motion and determine whether an expedited hearing is necessary.