

DONNA PADAR BERLIN  
CIRCUIT JUDGE



PAMELA MCCAGUE  
JUDICIAL ASSISTANT

## Circuit Civil – Division C – Information & Requirements

### News & Updates to Information & Requirements

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- Aug. 10, 2009:** All foreclosure hearings (contested and uncontested) are to be heard by Judge Rapkin. Please refer to his foreclosure requirements for additional information.
- Mar. 25, 2009:** Information re how to schedule Contested and Uncontested Foreclosure Hearings on the correct JACS Docket.
- Feb. 12, 2009:** Additional information regarding calling the JA and scheduling contested and uncontested foreclosures.
- Dec. 1, 2008:** **NEW FORECLOSURE REQUIREMENTS -- See separately posted Standard Procedures and Requirements for Residential and Commercial Foreclosure Proceedings on Circuit's web site at [www.jud12.flcourts.org](http://www.jud12.flcourts.org)**
- Aug 21, 2008:** The web address for the Twelfth Judicial Circuit has changed. The new address is [www.jud12.flcourts.org](http://www.jud12.flcourts.org)
- Aug. 20, 2008:** Please note that Judge Berlin's courtroom designation has been changed from 6B to 6C.

### Contact Information

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- Office Hours:** Regular office hours are from 8:30 a. m. to 5:00 p. m.  
The office is closed for lunch daily from 12:00 p. m. to 1:00 p.m.
- Courtroom:** Proceedings are held in Courtroom 6C at the Judge Lynn N. Silvertooth Judicial Center, 2002 Ringling Boulevard. Sarasota, Florida 34237
- Mailing Address:** Post Office Box 48927, Sarasota, Florida 34230
- Telephone:** (941) 861-7933 (**DO NOT call the Judicial Assistant without first reading these requirements or to inquire about the outcome of a hearing. Please consult the Clerk of Court's website for case information at [www.sarasotaclerk.com](http://www.sarasotaclerk.com)**)
- Fax:** (941) 861-7921 (Please do not fax documents without first calling for permission to do so.)
- E-Mail:** The e-mail address for JA Pam McCague is [pmccague@jud12.flcourts.org](mailto:pmccague@jud12.flcourts.org)

### Local Rules and Standards of Professionalism

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All attorneys and *Pro Se* litigants must follow the Local Rules and Standards of Professionalism, which are available on the Internet at [www.sarasotabar.com](http://www.sarasotabar.com) .

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### Scheduling Hearings on the Court's Calendar

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- Hearings under 1 hour - JACS System** All hearings less than one hour in length *must* be scheduled using the Court's Judicial Automated Calendaring System ("JACS"). Hearings can be scheduled through JACS either on the Internet at [www.jud12.flcourts.org](http://www.jud12.flcourts.org) or by telephone at (941) 861-5227. Hearing times are available in 5, 15, 30 and 60 minute time slots. Please note that hearing time is available up to 10 weeks in the future.
- Hearings more than 1 Hour** All hearings estimated to last more than one hour *must* be scheduled by telephoning the Judicial Assistant.
- Uniform Motion Calendar** The division holds a Uniform Motion Calendar every Friday at 9:00 a. m. UMC motions must be less than 5 minutes in length and non-evidentiary. Hearings on the UMC docket are conducted on a "first come, first served" basis and are not scheduled through JACS or the Judicial Assistant. Due to "drop in" nature of the UMC docket, no telephonic appearances are permitted and no court files are available. Attorneys must comply with the Rules of Civil Procedure and applicable case law in terms of notice and motion requirements and should bring copies of all necessary pleadings to the hearing for the Judge.
- Emergency Hearings** All requests for emergency hearing time must be made by first contacting the Judicial Assistant by telephone and then providing a detailed copy of the motion for the Judge to review that includes an estimate of the amount of hearing time required. The Judge will review the motion to determine whether an expedited hearing is necessary.
- Miscellaneous Hearings** All motions for Rehearing, Reconsideration or for New Trial must be submitted directly to the Judge. The Judge will review the motion to determine whether a hearing is necessary.
- Foreclosure Hearings** Due to the dramatic increase in the number of foreclosure cases on the docket, the Court has instituted special requirements for all foreclosure proceedings, which are set forth on the Circuit's web site in a different set of standard procedures and requirements.

**ALL Foreclosure Hearings** must be scheduled before Judge Rapkin using the JACS "FORECLOSURE SARASOTA DIV A & C" JACS Docket.

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### Motion Practice

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Court files are not physically available at court hearings, though the Court has access to the electronic record. As a result, ***attorneys must submit courtesy copies of the Notice of Hearing, the motion and all other relevant documents and information*** to the Court at least one week prior to the scheduled hearing.

### Telephonic Appearances

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- Requirements:** Telephonic appearances are permitted for all non-evidentiary hearings that are less than 30 minutes in length without prior leave of the court.
- Toll-Free or Collect Calls Only** On the Notice of Hearing, the attorney wishing to appear by telephone must indicate his or her intent to appear by phone and indicate whether the Court is to call a ***toll-free number*** or by ***collect call***.
- Special Notes re Scheduling** Please note that multiple hearings may be scheduled at the same time. The Court will first address cases where the parties are physically present in the court room and then call cases where one or more of the parties wishes to appear by telephone. As a result, attorneys who wish to appear by telephone may not be contacted at the exact time their hearing is scheduled on the docket.
- Conference Calls** The Court does not have the ability to initiate conference calls. It is the responsibility of the scheduling attorney to make proper arrangements for conference calls.

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## **Circuit Civil – Division C – Information & Requirements**

### **Motions Referred to Magistrate Bailey**

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- Referral to Magistrate Bailey** As noted below, certain hearings must take place before Magistrate Deborah Bailey. Unless an order has previously been entered, the scheduling attorney must provide an “Order of Referral to Magistrate” (available via the Internet at [www.jud12.flcourts.org](http://www.jud12.flcourts.org)) to the Judge for her signature.
- Scheduling Hearings before the Magistrate** All hearings set before the Magistrate must be set according to her requirements using the JACS system.

### **HEARINGS REQUIRED TO TAKE PLACE BEFORE THE MAGISTRATE**

- Discovery-Related Motion** Compel, Contempt re Discovery Order, Extend Time, Objections to Interrogatories, Objections to Production, Protective Orders, Quash, Sanctions (re discovery matters), and any additional discovery-related matters.
- Motions Directed to the Pleadings** Add/Drop Parties, Amend, Default, Dismiss, Intervene, Judgment on the Pleadings, More Definite Statement, Strike, and any additional motions directed toward the pleadings.
- Miscellaneous Motions** Abate, Compel or Confirm Arbitration, Compel Mediation, Lis Pendens, Sever, Transfer Jurisdiction or Venue, Vacate or Set-Aside, Withdrawal of Counsel.