



SUSAN L. BARBER
JUDGE OF THE COUNTY COURT
STATE OF FLORIDA, COUNTY OF POLK
WWW.JUD10.FLCOURTS.ORG

Polk County Courthouse
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COUNTY CIVIL DIVISION M0 PROCEDURES AND GENERAL INFORMATION

Hearing Room: 8D-1, Eighth Floor, East Tower, Blue Elevators
Motion Hearings and Non-Jury Trials

Virtual Courtroom: **To appear via video, click the link below.**
[Click here to enter Polk Bartow County Civil \(General\) Virtual Courtroom](#)
Or
Call in by phone and use ID.
[+1 863-225-4022](#), Conference ID: 938 296 883#

Administrative Orders: Copies of all Administrative Orders for the County are available on our website at WWW.JUD10.FLCOURTS.ORG.

SCHEDULING HEARINGS

You may email me with All Parties included, to obtain hearing times for a motion hearing. You will need to have the following information in the chart readily available:

Case No:	
Plaintiff:	
Defendant:	
Motion to be heard	
Amount of Time	
Plaintiff Counsel:	
Defendant Counsel:	

1. **VIRTUAL HEARINGS:** ALL virtual hearings are held virtually Through **Microsoft Teams**. For remote appearance, **Counsel must appear by video link, unless authorized by the Court to appear by telephone.**
2. The style of the case, the case number, and the names of the attorneys involved.
3. We cannot hold time open while you clear it with the other offices. Sometimes people never call us back or the need for a hearing may have gone away in the meantime. Hence the need to have opposing counsel office copied, so we can set the hearing on the earliest date possible. It is very important that you schedule ample time for each party to have a fair opportunity to be heard regarding the issues. Hearings are scheduled in 15-minute increments.
4. **Confirmation of Hearing/Notice of Hearings:** The parties, or counsel for the parties, will receive electronic confirmation from the Court of the hearing date and time once the agreed upon date has been cleared with the Court. Confirmation emails will provide the hyperlink and teleconference information for appearing. Please send a copy of the Motion that is being heard with the Notice of Hearing at least 10 days prior to the hearing. Copies should be sent via email. Please be sure to include the location of the hearing on your Notice of Hearing. All motion hearings are held in the County Civil General Virtual Courtroom.
5. **Agreed Motions:** If a matter is uncontested, you may submit the motion and proposed order to the Judge for review via email. The order **MUST** be in word format. The order should state “Agreed Order” in the heading and either the motion or email must include language that the order has been agreed upon by opposing counsel.
6. **Cross-Notice:** No cross-notices to add other motions will be permitted unless the Judge’s office has cleared the hearing time and the motions, and provided that the hearing time and the other motions were cleared with opposing counsel as provided in paragraph 3 above.
7. **Judgment packets for this docket shall be forwarded to our office via US Mail, a minimum of 10 days prior to the hearing date.** All information readily available (i.e. attorney’s fees and costs) should be completed. With regard to foreclosure proceedings, our circuit requires the filing of an **Affidavit of Compliance** in accordance with Administrative Order No. 3-29.1. A copy of said affidavit should be included in the packet. Failure to include this document will prevent the Final Judgment from being signed and processed. All original documents can be filed with the Clerk of Courts. However, if you would like for the Judge to review the original documents, you may provide them with the packet.
8. **Emergency Hearings:** You should first email a copy of the Motion to the Judge, who will then decide if it is a true emergency and whether the hearing should be advanced on the docket.
9. **Uniform Motion Calendar:** Judge Barber **does not** have a UMC Calendar. If a matter is uncontested, you may submit the motion and proposed order to the judge for review. The motion should reflect that the matter is, in fact, uncontested (See Paragraph 6).

CANCELLATION OF HEARINGS

1. Please email a *Notice of Cancellation* as soon as you learn that the hearing is to be cancelled. This enables the judge’s office to perhaps use that time slot for someone who may need an emergency hearing.
2. Only the party who set the hearing may cancel it, and it is that party’s responsibility to notify everyone of the cancellation.
3. Do not assume that if a case has been settled or cancelled (and even if the judge has signed an order dismissing the case), that the judicial assistant knows it has been cancelled. Please **always** provide a *Notice of Cancellation* to the judge’s office to make sure that the hearing or trial has been taken off the book.

4. If the length of a hearing changes in any way (for example, a case settles, and you know that a long hearing will only take a few minutes rather than an hour) please let the judge's office know as soon as possible. The remainder of that time may be needed for an emergency hearing.

SUBMISSION OF PROPOSED ORDERS

Please email all proposed orders via email in word format with the motion attached. **Any motions or supporting documents submitted to the court exceeding 50 pages must be submitted via US mail.** When sending in proposed orders, please be sure to send a transmittal letter showing that a copy of the letter and proposed order has been sent to opposing party and stating if the order should be held for "X" number of days for opposing counsel to respond. If there are no objections to the proposed order, the Judge may sign the order upon submission to the Court. ***ALL Garnishment and Foreclosure motions/orders must be submitted via US mail with copies to be conformed and envelopes to be mailed.**

1. If your attorney tells you he/she is going to object to the order, please call and inform the judge's office. If you rely on the mail getting there within 5 days, you may be too late with the objection. Note that objections made by phone must be followed up by a written explanation within 5 days, with copy to opposing counsel.
2. Submitting proposed orders via email is preferred, but should the documents exceed 50 pages and are to be mailed in, the packet should be bound together by either a paperclip or binder clip. **PLEASE DO NOT STAPLE the cover letter, original proposed order, and copies to be conformed together as one large packet.** Also, please do not staple the envelopes to the copies to be conformed. It is quite difficult and time consuming to remove all those staples!
3. Stamped, addressed envelopes: Please send a stamped addressed envelope for all parties to whom a copy of the order should be sent. The return address on the envelope should be that of the judge.
4. All original motions should be filed with the Clerk of Courts. If you are filing a motion that requires a reopen fee, please submit the information directly to the clerk for initial processing.

VOICE MAIL

Our office only has **one** line for incoming calls. If you call our office during normal business hours and get our voice mail, it means that the Judicial Assistant is on another line with a customer or away from her desk. Accordingly, if you leave a voice mail message, you should expect to receive a return phone call in a timely fashion. Your patience in this matter is greatly appreciated.

AVAILABILITY OF JUDGES, BACK-UP AND DAILY "DUTY" JUDGE

Certain questions of procedure arise when you have an Emergency or priority need. The following is an outline of the correct procedure to follow when you need an emergency hearing or ex parte order signed.

1. You must, of course, first contact the office of the judge assigned to a particular case -- even if you know that judge is on vacation or otherwise unavailable. The Judicial Assistant will then either find another judge for you or refer you to another judge's office.
2. Each judge has designated "back-up" judges. Generally, the rule is that the judges in each Division will substitute for each other when necessary. The judicial assistant will know who her judge's back up judges are.
3. On rare occasions when there is no one else available and something needs to be heard immediately, you will be referred to the Duty Judge for that day. The Duty Judge will, however, have his/her own regular docket set for that day, and does not have any special time set aside for this duty.

4. For Emergency hearings, you should first email a copy of the Motion to the Judge. The Judge will then decide if it is a true emergency and whether the hearing should be advanced on the docket.

PREPARING COURT ORDERS FOLLOWING A HEARING OR TRIAL

1. The order should have a full title containing the subject matter of the motion or pleading ruled upon (e.g., Order Granting Motion for Summary Judgment, **not just “Order”**).
2. All orders submitted for the courts’ signature should be on plain white paper (i.e., not on the firm’s printed paper).
3. Envelopes should contain the name and address of the judge as the return address.
4. Do not put "Honorable" or "The Honorable" under the signature line. The correct form is simply to type the judge’s name in capitals, followed by a comma, and then her title.

Correct form:

Susan L. Barber, County Judge

5. Confusion sometimes arises as to which judge should actually sign an order. For instance, a hearing may be scheduled before Judge A, but because of that judge’s unavailability at the last moment, another judge may sit in for him or her. The order should be signed by the judge who actually held the hearing. Frequently your attorney may forget to tell you that another judge was substituting for the assigned judge, so you send in the paperwork for Judge A to sign, and it comes back with the judge’s name crossed through and another judge’s signature. On the other hand, Judge A may hold the hearing but then go on vacation. You submit an order and the other attorney agrees to your order, so the JA may get a different judge to sign the order "For and in the absence of Judge A to avoid delay." In that case you want to have Judge A’s name on the order, with the other judge signing for him.

Don’t worry about this – it’s not a big deal. It is mentioned here simply to try to explain to you why orders sometimes come back with other judges’ signatures on them. In either case, any future hearings should be set before the assigned judge - presumably Judge A, unless there’s been a rotation of judges.

6. Do not type only the ‘DONE AND ORDERED’ part or only the signature line on a page by itself. In other words, you should include some text from the order before you start with the DONE AND ORDERED, etc. (While it is true that some judges don’t particularly care about this, others really do, so it’s best to avoid doing it.)
7. Don’t leave any more blanks in an order than you absolutely have to. If you can find out the information by placing a telephone call, you should do so, and then type it in the order before submitting it to the judge’s office. That gives opposing counsel an opportunity to react to the figures or dates, and saves problems arising after entry of the order. It also prevents incorrect information being filled in, and then the order having to be redone.
8. Always show at the bottom of the order (and the transmittal letter) the people to whom copies are being mailed. If someone is being ordered to do something (submit a report to the court, etc.), they will need a copy, even if they do not normally get copies of all pleadings. Please submit a stamped, addressed envelope for everybody who needs a copy of the order, except those who are covered by internal mail. (See below).

MOTION(S) FOR REHEARING

Florida Rule of Civil Procedure 1.530(b) provides that a Motion for New Trial or Motion for Rehearing should be served within 10 days of the jury verdict or 10 days from the filing of a judgment in a non-jury action. You should file the original with the Clerk and send a courtesy copy to the judge. Usually the

judge will rule without a hearing on whether a new trial or rehearing should be granted. If a rehearing is to be held, the judicial assistant will call you to set the hearing.

SUMMARY JUDGMENT IN FORECLOSURE HEARINGS

1. Summary Judgment packages must be **forwarded to our office a minimum of 10 days prior to the hearing**. All information readily available (i.e. attorneys fees and costs) should be completed. The Clerk of Courts is responsible for scheduling and implementing the sale date upon receipt of the executed order. Please fill in the **date of the hearing on the original final judgment and on the copies**.
2. Our circuit requires the filing of an **Affidavit of Compliance** in accordance with Administrative Order No. 3-29.1. A copy of said affidavit should be included in the packet.
3. All original documents should be filed with the Clerk of Courts. Do not send original documents with the packet.

MOTION(S) FOR APPOINTMENT OF ATTORNEY AD LITEM

If a case calls for the appointment of an Attorney Ad Litem, you may choose an attorney that accepts regular appointments in civil matters. At such time as you are ready to submit the motion and proposed order to our office, please be sure to implement the attorney information (i.e. name, address, phone number) in the order.

TRIALS

To have your case set for trial, you are to file a Notice for Trial with the Clerk of Court and provide a courtesy copy to the Judge. Do not rely on the clerk to provide our office with the information. If you do not receive a trial order within a reasonable time, you should inquire with the Judicial Assistant. Jury trials are scheduled during a two-week trial period. Non-Jury trials are scheduled during the three-week motion block.

JURY INSTRUCTIONS

In accordance with the uniform Order Setting Pretrial Conference and Jury Trial and Directing Mediation, Plaintiff shall provide a complete set of proposed jury instructions. Defendant shall provide only special instructions not included in Plaintiff's submission. The proposed instructions should be submitted via email to the Judicial Assistant no later than the Friday before the trial, or any earlier date assigned by the Judge. Said instructions should be in Word format.

JOINT MOTION(S) TO CONTINUE TRIAL

Counsel for the moving party should contact the Judicial Assistant to advise that a joint motion is forthcoming, so the Pretrial and/or trial date can be flagged for removal from the docket upon execution of the Order of Continuance. In order to avoid a delay in prosecution of the case, a new pretrial and trial date should be scheduled at the time the joint motion is filed, with said dates being implemented in the Order of Continuance. The Judicial Assistant will be happy to coordinate the new dates with counsel.