

Judge Cohen's Civil Division Procedures

These procedures are intended to ensure that all parties and their attorneys have equal access to justice through the organized administration of the courts.

Contacting Judge Cohen's Office: You may contact Judge Cohen's Judicial Assistant, Cheyanne Phillips, at (239) 533-8244 or via email at cphillips@ca.cjis20.org. Due to the high volume of calls, the preferred method of communication is via email.

Attorneys: Counsel shall follow the Standards of Professional Courtesy and Conduct for Lawyers Practicing the Twentieth Judicial Circuit found at www.ca.cjis20.org/pdf/ao/ao_2_20.pdf.

Motions or other court proceeding not scheduled pursuant to the procedures set forth below, may be cancelled by the Judicial Assistant without notice.

IMPORTANT: When scheduling hearing, please schedule enough time for you to present your argument and information as well as the opposing attorney(s) or self-represented party (ies). Judge Cohen holds attorneys and self-represented parties to the time that they have reserved. The time allotment that you choose will be divided by the number of parties involved in the case. The time allotted to each party includes direct and cross-examination of witnesses, any opening statements and closing or other argument.

IMPORTANT JACS LOG-ON INFORMATION

For first time users, click the "[Schedule Time Slots](#)" link, enter your bar number for both the user ID and password, select a Judge, and click "[Log in](#)". If you are able to log in, the system will give you the opportunity to set a password of your choice. If you are unable to successfully log-in, send an email with your bar number to JACSLee@ca.cjis20.org

Please enter the case number in the following format; 2 digit year, letters assigned to the case type and the base case number. For example: "24CA1234".

If you are having problems scheduling, please email the JACS Administrator at JACSLee@ca.cjis20.org

HEARINGS:

All motion hearings 60-minutes or less will be via Zoom. All hearing over 60-minutes will be in-person. Trials will be in-person. The Notice of Hearing must clearly indicate that the hearing will be via Zoom and will need to list Judge Cohen's Zoom Meeting ID.

ZOOM MEETING ID: 896 600 3281
Zoom Link: <https://zoom.us/j/8966003281>

PLEASE NOTE: Your JACS Confirmation Number **MUST** be on your Notice of Hearing. If you have not received a JACS Confirmation Number, your hearing time has not been reserved.

All hearings of 60 minutes or less in length can be scheduled through the Judicial Automated Calendaring System (“JACS”). You must be logged in to JACS to reserve a hearing time. Available time slots. JACS can be accessed online at <https://www.ca.cjis20.org/Services/jacs.aspx>.

Hearing for a commercial foreclosure case or a post-judgment residential foreclosure case can be scheduled online.

For hearing on all Pre-Judgment motions in Residential Mortgage Foreclosure Cases, please visit JACS and select **Foreclosure Judge** to view and schedule hearings.

Motion to be heard by Magistrate Bernardo: Before obtaining court time before the Magistrate, please obtain agreement from the other party or parties to the same. While parties in civil cases may object to proceedings occurring before a Magistrate at any time up to the beginning of said proceedings, failure to obtain prior agreement to using the Magistrate or last-minute withdrawal of such agreement, may be grounds for the assessment of fees and costs. Please schedule the motions set forth below before the Magistrate except those pertaining to foreclosure cases. Please prepare an Order of Referral and add mag-bernardohearings@ca.cjis20.org to the Electronic Service List. Once the Order of Referral has been approved by the Court, the Magistrate’s assistant will assist with scheduling the hearing. If the hearing time is 15-minutes or longer, the following motions should be heard by the Magistrate:

- Discovery motions (shall contain a Certificate of Good Faith)
- Claim of exemption
- Forfeiture-preliminary adversarial hearing
- Replevin
- GA and MH Cases

Any objection to the Magistrate must be filed in the court file.

Extended Hearings: Hearings requiring one hour or more shall be scheduled directly with the Judicial Assistant. To request hearing time, please email cphillips@ca.cjis20.org. In the email, please indicated the pleading that you need set, when it was filed with the court, and how much time you are requesting. Once you have an agreed date/time, please respond to the email and the Judicial Assistant will set the hearing and provide the confirmation number.

Notice of Hearings: In compliance with the Twentieth Circuit Standards of Professionalism, all Notice of Hearings shall reflect the following:

- You **MUST** include your JACS confirmation number, title of the motion(s), filed date, date and time of hearing, courtroom and the amount of time that was requested on the Notice of Hearing.
- If you have not received a JACS confirmation number, your hearing time has not been properly reserved.

Please do not send courtesy copies of Notices of Hearings.

No Piggybacking of Motions: Once a motion is scheduled, subsequent motions may not be “piggybacked” or “cross-noticed” onto the time reserved for the first motion, absent prior approval of both parties. If there is no agreement on the motion(s) being added, Judge Cohen will make the determination.

Motions for Rehearing: Motions for Rehearing’s must be reviewed by the Judge prior to being scheduled for a hearing. Once the motion has been filed and appears on the Clerk’s docket, a courtesy copy of the motion should be submitted via email to the Court for review and consideration. The motion may only be scheduled for hearing time if the judge so directs and approves.

Proposed Orders: Proposed orders should now be submitted via the e-filing portal at <https://www.myflcourtaccess.com/default.aspx>. The Motion will need to appear on the Clerk’s docket before the order can be considered. Once the motion appears on the Clerk’s docket, you can submit the proposed order.

All orders should be in font Times New Roman, font size 12.

When you upload the proposed order, please put the case number first in the “Document Title” filed on the “Add/Edit Document” screen when you submit the order. Also, if your document is an emergency or time-sensitive, please put the word “Emergency or Urgent” before the case number. Please use the following format for the case number: 20CA123 (two digit year, CA/CP/GA/MH and case number with no leading zeros).

If you are having a problem with e-filing, please visit <https://www.myflcourtaccess.com/Common/UIPages/Contactus.aspx>.

Proposed orders shall be provided to other counsel with a reasonable time for approval or comment prior to submission to the court. Opposing counsel should promptly communicate any objections thereto. The drafting attorney shall then submit a copy of the proposed order to the Court (in Word format). A cover letter is required. In the cover letter, please state that there are no objections.

If counsel objects to an order or judgment, opposing counsel is to redline the order and then submit it to the judge, with a cover letter explaining who the drafter of the order is and who the redlines are from. Please do not submit competing orders unless directed by the Court.

Evidentiary Hearings set via Zoom: Please submit a hard copy of the evidence to the Judge at least 48-hours prior to the hearing. Please submit in a tabbed binder, with an Exhibit List Index.

If you are submitting only Case Law, you may email it directly to the Judicial Assistant. In the email, please indicate what the case name is, and what date/time the hearing is set for. NOTE: The court does not need courtesy copies of pleadings that are in the court docket.

Evidentiary Hearings set in-person: Please bring with you the evidence the day of the hearing. Any Case Law that you anticipate to submit should be emailed to the Judicial Assistant at least 48-hours prior to the hearing.

Agreed Case Management Plan: Please submit your Agreed Case Management Plan to the Civil Department in Word Format. The general email is: LeeCircuitcivilcm@ca.cjis20.org

Additional information regarding Case Management may be found at <https://www.ca.cjis20.org/Programs/Civil-Case-Management/generalcivil.aspx>

Pre-Trial Conference Orders: All Pre-Trial Conferences will be held in-person and conducted in Courtroom 4-J. Please submit your **AGREED** Pre-Trial Conference Orders through the portal. Once the order has been received and it is approved by Judge Cohen, you will be excused from attending the Pre-Trial Conference. If your Pre-Trial Order has not been submitted and approved, you will need to appear **IN-PERSON** for the hearing.

Please ensure you are using the updated/revised Pre-Trial Order that is on the website, or it will be rejected.

https://www.ca.cjis20.org/Programs/Civil-Case-Management/generalcivil.aspx/t_blank

Docket Sounding: All Docket Sounding hearings will be in-person and conducted in Courtroom 4-J. When attending Docket Sounding, please have your schedule for the trial period available. Judge Cohen may ask if you have any superseding conflicts during the trial period.

Emergency Hearing may not be scheduled through JACS. All requests for such hearings must be submitted to the Judge via email with a copy of the Motion. The Motion must be filed with the Clerk prior to submission to the Judge.

Cancellations: If you cancel a hearing, you are required to file a Notice of Cancellation with the Clerk. You must contact the Judicial Assistant via email with a copy of the Notice of Cancellation no later than 4:00 p.m. the business day prior to the scheduled hearing. Any notices received after 4:00 p.m. will still require the parties to appear for the scheduled hearing, unless otherwise advised by the Judicial Assistant.

There will be no cancellation by the parties of a hearing is over 60-minutes without a filed stipulation signed by both parties and filed with the Clerk. Once you have the stipulation filed, please email a copy of the filed stipulation to the Judicial Assistant. Judge Cohen will review the stipulation and instruct the Judicial Assistant to reach out to the parties, and if directed, a Notice of Cancellation can then be filed.

Continuance:

- Stipulation to Continue Trial does not automatically continue the trial and **MUST** be set for a hearing prior to the Docket Sounding. Such Stipulations should set forth the reasons

for the continuance and be signed by all parties, as well as by their attorneys, if they are so represented. All parties shall continue to prepare for trial as scheduled unless an Order is entered granting a continuance. Any “Agreed Orders” submitted through the portal without a hearing, will be rejected.

- All opposed motions to continue must include the moving party’s written consent and be coordinated for hearings using JACS.