

FOURTH DISTRICT COURT OF APPEAL
NOTICE TO ATTORNEYS AND PARTIES
REVISED 9/1/09

Please read the following court policies and requirements concerning the appeal or petition you have filed.

1. ELECTRONIC FILING REQUIREMENT: Please see the Administrative Order on our website at www.4dca.org for details on the court's electronic filing requirement. **Attorneys are required to submit a copy of their briefs and certain other documents by e-mail. The official filing date shall remain as the date of filing the paper original.**

Attorneys shall include their e-mail address on pleadings and briefs in addition to their mailing address, telephone number, fax number and Florida Bar number.

2. BRIEFS: Fla. R. App. P. 9.210. The **original and three copies** of briefs shall be securely stapled with one staple in the upper left corner, **without any brief covers**. For non-final appeals, each party shall submit only **one** copy of the appendix. Parties should refrain from filing voluminous appendices in final appeals as the full record is available to the judges.

3. MOTIONS: Fla. R. App. P. 9.300. Excessive motion practice is strongly discouraged. Any record material supporting a motion shall be contained in an appendix with the motion. Motions concerning preparation of the record or briefs, extensions of time, or to reschedule oral argument, shall contain a certificate that opposing counsel has been consulted and shall state whether opposing counsel has an objection to the motion. Attempts to contact opposing counsel are not sufficient. The party filing the motion shall also enclose a **stamped, unaddressed, envelope** for each person entitled to notice of the court's action, including those persons listed on the certificate of service in the motion and the person filing it. **When providing metered postage, you must omit the date.** Any response to a motion shall be promptly filed, and in any case not later than 10 days after service. Motions for an extension of time or to supplement the record may be ruled on without waiting for a response. **No reply to the response will be considered unless specifically authorized by this court.** Any unauthorized reply will be stricken without consideration.

4. EXTENSIONS OF TIME: Fla. R. App. P. 9.300. Limited extensions for initial and answer briefs will be granted by the clerk, unless the motion certifies that the opposing party opposes the motion. Extensions of time for preparation of the transcript or the record on appeal automatically extend the time for service of the initial brief. The court may limit extensions in any appeal. See paragraph 3 above for motion requirements.

5. SERVICE OF FILINGS: Fla. R. App. P. 9.420. All original papers, e.g., motions, petitions, notices, briefs, appendices, etc., must contain a certificate of service.

6. EMERGENCY FILINGS: Every motion or petition filed in this court designated as an "emergency" by the filer must contain a certificate certifying the existence and nature of the emergency. The motion or petition shall be served in the same manner used for the filing itself: if the paper was filed by hand delivery, then the paper shall be served on opposing counsel or parties by hand delivery. The filer must notify the court immediately in the event the emergency no longer exists.

7. STATUS INQUIRIES: Any request for the current status of a pending case must be made to the clerk's office and may not be made to a judge of the court or the personal staff of any judge.

8. RELATED CASES: All parties shall promptly bring to the court's attention the pendency in this court of any related case, or any case involving related issues. In criminal cases where multiple defendants participated in a joint trial, the parties shall notify the court of any other appeals, whether pending or concluded, from the same trial.

9. TRANSCRIPTS: As of January 1, 2007, all paper copies of transcripts must be accompanied by an electronic copy on a CD Rom. *See* Fla. R. App. P. 9.200(b)(2).

10. PHYSICAL EXHIBITS: No physical evidence (excluding documents) or outsized exhibits shall be included in the record on appeal without the party first requesting permission of the court. It is the responsibility of the party to insure that the circuit court clerk has included any relevant documentary evidence introduced at trial in the record on appeal.

11. SUPPLEMENTAL AUTHORITY: Fla. R. App. P. 9.225. A copy of the newly discovered authority should be attached to the notice. An original and three copies of the notice shall be filed. The notice should also designate clearly the issue to which the supplemental authority is pertinent. Absolutely no argument or comment on the authority will be accepted.

12. ORAL ARGUMENT: Fla. R. App P. 9.320. A request for oral argument shall be made on a **separate** paper or document, clearly designated as such, and shall contain no other subject. It shall **not** be made as part of a brief or appendix. The request must contain a specific but brief reason as to why oral argument is necessary. It may contain a designation of 10, 15 or 20 minutes as the amount of time requested for oral argument. Oral argument for each side shall not exceed 20 minutes. At any time before oral argument, the court in its discretion may dispense with, limit or expand the time for oral argument as it deems appropriate to the issues raised. Cases without oral argument are subject to the same review, analysis and consideration by a three judge panel as are cases that are orally argued.

13. SCHEDULING CONFLICTS: Calendar conflicts shall be resolved in accordance with Florida Rule of Judicial Administration 2.550. **“Notices of Unavailability” are unauthorized** and will be automatically stricken. **Requests for continuances of oral argument** must be based on either a substantial commitment preexisting the receipt of the oral argument calendar or an emergency situation.

14. REHEARING: Although motions for rehearing are permitted by Fla. R. App P. 9.330, they should be rare. *See Lawyers Title Insurance Corporation v. Reitzes*, 631 So2d 1100 (Fla. 4th DCA 1993) and 631 So.2d 1101 (Fla. 4th DCA 1994). The court strongly discourages the practice of routinely filing such motions or the filing of those which merely re-argue the merits or question the court’s decision. Where there has been an award of attorney’s fees on appeal in connection with our decision on the merits, additional fees will be awarded upon a denial of a motion for rehearing.

Motions for rehearing en banc: an original plus nine copies must be filed, each with a copy of the opinion attached. Any response must be an original plus nine copies.

15. RIGHTS OF CHILDREN: This court has a policy of automatically expediting all cases involving adoption and termination of parental rights. Cases relating to child custody, visitation privileges, or other substantial interests of children will be expedited upon proper motion.

Compliance with an expedited briefing schedule is mandatory; no motions for extension shall be allowed. The court will accept an appendix instead of the formal record: the appellant shall file the appendix with the initial brief. Motions by either party shall not toll the running of the briefing schedule. The court may also dispense with oral argument, even when requested.

16. ATTORNEYS NOT LICENSED IN FLORIDA: Attorneys who are members in good standing in other jurisdictions may be granted permission by court order to appear in proceedings in this court. *See* Fla. R. App. P. 9.440(a) and the requirements contained in Florida Rule of Judicial Administration 2.510 (formerly Florida Rule of Judicial Administration 2.061). Pursuant to Section 35.22(3), Florida Statutes, the clerk is required to collect a \$100 filing fee from each attorney appearing pro hac vice, an order for the payment of which will be issued when and if the motion to appear is granted. An additional fee of \$250 is required by the Florida Bar.

17. CHANGE OF ADDRESS OF ATTORNEYS OR PARTIES: All attorneys representing parties in this court and parties representing themselves must **promptly notify** this court of any change of address.

18. AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act, persons needing special accommodations should contact the Marshal’s Office not later than seven (7) days prior to service needed. Telephone (561) 242-2000; 1-800-955-8771 (TDD); or 1-800-955-8770 (V) via Florida Relay Service.

19. DROP BOX: The Court does not maintain a physical drop box. If you would like your filings to be clocked in for the previous business day, you must file them at the Clerk’s Office BEFORE 9:00 A.M. If it is after 9:00 A.M., no filings will be stamped for the previous business day.

IMPORTANT: The drop box does **not** extend jurisdictional time limits. *See Capone v. Fla. Board of Regents*, 774 So. 2d 825 (Fla. 4th DCA 2000). Petitions for original writs, notices of appeal, and notices to invoke discretionary jurisdiction will be clocked in for the date they are received in the Clerk’s Office.

For further information consult our website at www.4dca.org.