

Detailed Course Syllabus  
Field Course: Rules of Judicial Administration  
Fall 2020 - Classroom Holland 359  
Monday August 17-Thursday August 20  
9:30-11:30 & 12:30-1:35  
Amy S. Borman, Esq.  
Phone: (561) 385-0465; Email: amyborman@law.ufl.edu

### **CLASS SYLLABUS AND POLICIES:**

**REQUIRED COURSE MATERIALS:** Materials will be provided and will be available online. You will not need to purchase a textbook. The free app – Poll Everywhere – may be incorporated. Please make sure to download the app before class begins.

**DESCRIPTION OF COURSE, COURSE OBJECTIVE & LEARNING OUTCOMES:**  
This course is one credit hour. Please note that ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in class instruction. It is expected that you will spend two hours preparing for every hour of in class instruction.

Florida’s Rules of Judicial Administration (RJA) govern every area of practice – including civil law, criminal law, family law, probate/guardianship law, juvenile law and appellate law. This rule set covers topics such as (1) the appearance and termination of an attorney in a case, (2) the representations that an attorney makes by affixing his or her signature to a document, (3) the determination of confidential and sensitive information and the requirement of an attorney to omit or redact such information, (4) how to e-file and e-serve documents, (5) the requirements for a document to be filed with the court, (6) accommodations for the disabled and (7) the process to disqualify a judicial officer. The course will discuss the rules and analyze case law interpreting the rules especially when there is conflict amongst the appellate courts. Students will draft notices and motions, review documents to identify confidential information, utilize the redaction process, and log in to the E-Portal system to both e-file and e-serve documents.

### **CLASS SCHEDULE:**

Monday August 17 (Modules 1 and 2)  
Tuesday August 18 (Modules 3 and 4)  
Wednesday August 19 (Modules 5 and 6)  
Thursday August 20 (Modules 7 and 8)

**READING ASSIGNMENTS:** In advance of class, you must read the handouts and materials available on CANVAS. There are **a lot** of rules and cases so you should begin preparing at least a few days prior to the first class. We will be discussing the cases in class. While there are a lot of cases, the cases are relatively short. The reading requirements are set forth at the end of the syllabus and broken down into modules. Class participation will be worth 10 points.

**OUT OF CLASS ASSIGNMENTS.** Out of class assignments include registering with the TEST e-portal site, a quiz, administrative order research, and reviewing court filings to spot issues. These assignments are worth a combined 90 points. Some assignments are due PRIOR to the start of class and others will be due after class ends. Check Canvas for the actual due dates.

Assignments include:

- Registering for the test site of the e-portal (must be completed **PRIOR** to the start of class – see Canvas for due date) (5 points)
- Completing the Introduction Quiz (20 points) (must be completed **PRIOR** to the start of class – see Canvas for due date)
- Researching Administrative Orders (Rule 2.215) (20 points) (must be completed **PRIOR** to the start of class – see Canvas for due date)
- Successfully e-filing and e-serving documents (5 points – will be completed in class)
- Reviewing a Motion to Withdraw (Rule 2.505) (10 points)
- Reviewing a Notice of Filing Confidential Information (Rule 2.420) (5 points)
- Reviewing a court filing to identify confidential and sensitive information (10 points)
- Reviewing a Notice of Appearance (Rule 2.505) (5 points)
- Reviewing a Notice of Hearing (Rules 2.540 & 2.516) (10 points)

**LAPTOP/TABLET AND PHONE POLICY:** A laptop will be required for certain portions of the class. It will only be permitted during the specified times. Using the computer, tablet or phone for any other purpose other than classwork will result in a reduction of points for class participation.

**UNIVERSITY POLICY ON ACADEMIC MISCONDUCT:** UF students are bound by The Honor Pledge, which states: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’” The Honor Code (<https://sccr.dso.ufl.edu/students/student-conduct-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or the TA’s in this class.

**GRADING:** Your grade will include completing the in class and out of class written assignments and quiz (90 points/45% of grade), class participation/attendance (10 points/5% of grade), and the final exam (take home) (100 points/50% of grade). **The take home exam will be due by 11:59 p.m. on Monday September 7, 2020.**

Information on current UF grading policies may be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>.

<u>Grade</u>	<u>Points</u>
A	4.0
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.0
C-	1.67
D+	1.33
D	1.0
D-	0.67
E (failure)	0.00

### **UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES**

Students requesting accommodation for disabilities should register first with the Office of the Dean of Students (<https://www.dso.ufl.edu/drc/>). The Office of the Dean of Students will provide documentation to the student who then must provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking quizzes or exams. Because accommodations are not retroactive, students should contact the Office of the Dean of Students as soon as possible in the semester for which they are seeking accommodation.

**OFFICE HOURS:** I will arrange to be available by appointment. I encourage you to call or email me if you are having difficulties with, or simply want to clarify your understanding of, any of the materials covered in the reading or in class. My cell phone number is 561-385-0465 and my email is amyborman@law.ufl.edu.

**ONLINE COURSE EVALUATIONS:** Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

**ATTENDANCE:** This is a compressed course and attendance is mandatory. University attendance policy may be found at:

<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

## **MODULE 1 (Various Rules)**

### Rules of Judicial Administration:

- 2.120 (Definitions)
- 2.215 (Trial Court Administration) only the below subdivisions
  - 2.215 (e) (local rules and administrative orders)
  - 2.215 (f) (duty to rule within a reasonable time)
  - 2.215 (g) (duty to expedite priority cases)
- 2.250 (Time Standards)
- 2.535 (Court Reporting)
- 2.545 (Case Management)
- 2.550 (Calendar Conflict)

### Cases Rule 2.215(f) (Trial Court Administration – duty to rule within reasonable time)

- *Duncan v. Brickman*, 233 So. 3d 477 (Fla. 2d DCA 2017)
- *Schang v. Schang*, 53 So. 3d 1168 (Fla. 1st DCA 2011)

### Cases Rule 2.250 (Time Standards)

- *State v. Polk*, 993 So. 2d 581 (Fla. 1st DCA 2008)

### Cases Rule 2.535 (Court Reporting)

- *In re: Name Change of Johnson*, 259 So. 3d 133 (Fla. 4th DCA 2018)
- *Terry v. State*, 263 So. 3d 799 (Fla. 4th DCA 2019)

### Cases Rule 2.545 (Case Management)

- *HBC v. Serban*, 148 So. 3d 1287 (Fla. 1st DCA 2014)

### Cases Rule 2.550 (Calendar Conflicts) (former rule 2.052)

- *Garmon v. Garmon*, 920 So. 2d 209 (Fla. 4th DCA 2006)

## **MODULE 2 – 2.330 (Disqualification)**

### Rule of Judicial Administration:

- 2.330 (Disqualification of Trial Judge)

### Florida Statutes:

- Fla. Stat. s. 38.10

### Cases Rule 2.330 (Disqualification of Trial Judge)

- *Corie v. City of Riviera Beach*, 954 So. 2d 68 (Fla. 4th DCA 2007)
- *Santisteban v. State*, 72 So. 3d 187 (Fla. 4th DCA 2011) (only first issue pages 190-194)
- *Edwards v. State*, 976 So. 2d 1177 (Fla. 4th DCA 2008)
- *Johnson v. State*, 968 So. 2d 61 (Fla. 4th DCA 2007)
- *Gulfstream Park v. Gale*, 540 So. 2d 196 (Fla. 3d DCA 1989)

- *Law Offices of Herssein and Herssein v. United Services Automobile Association*, 271 So. 3d 889 (Fla. 2018)
- *Murphy v. Collins*, 3D20-0672 (Fla. 3d DCA July 22, 2020)
- *Davis v. State*, 45 Fla. L. Weekly D1330 (Fla. 2d DCA June 3, 2020)
- *Sawyer v. State*, 45 Fla. L. Weekly D751 (Fla. 3d DCA April 1, 2020)

### **MODULE 3 - 2.505, 2.510, 2.570 (Attorneys, Foreign Attorneys, & Parental Leave)**

#### Rules of Judicial Administration:

- 2.505
- 2.510
- 2.570

#### Readings for discussion of Rule 2.505 (Attorneys)

- *Bortz v. Bortz*, 675 So. 2d 622 (Fla. 1st DCA 1996)
- *Pasco County v. Quail Hollow Properties*, 693 So. 2d 82 (Fla. 2d DCA 1997)
- *Hicks v. Hicks*, 715 So. 2d 304 (Fla. 5th DCA 1998)
- *Thomas v. State*, 884 So. 2d 309 (Fla. 2d DCA 2004)
- *Sykes v. State*, 974 So. 2d 1133 (Fla. 1st DCA 2008)
- *Hartley v. R. Comerford*, 2014 WL 241759 (N.D. Fla. 2014)
- *US Bank National Association Trustee for Ramp v. Bell*, 277 So. 3d 633 (Fla. 5th DCA 2019)
- *Tanis v. HSBC Bank USA*, 289 So. 3d 517 (Fla. 3d DCA 2019)
- *Maestrales v. Flaherty*, 183 So. 3d 1036 (Fla. 5th DCA 2015)
- *Agape Charter School v. Summit Chapter*, 254 So. 3d 1129 (Fla. 5th DCA 2018)
- *In Re: Amendments to the Florida Rules of Judicial Administration, Parental Leave*, 288 So. 3d 512 (Fla. 2019).

### **MODULE 4 – 2.451 (use of electronic devices), 2.514 (computing and extending time), 2.515 (signature)**

#### Rules of Judicial Administration:

- 2.451
- 2.514
- 2.515

#### Readings for discussion of Rule 2.451 (use of electronic devices)

- *In re Amendments to the Florida Rules of Judicial Administration*, 118 So. 3d 193 (Fla. 2013) (2.451)

#### Readings for discussion of Rule 2.514 (computing and extending time)

- *In re Amendments to the Florida Rules of Judicial Administration*, 95 So. 3d 96 (Fla. 2012) (2.514) (pages 96-100)

- Florida Statute s. 683.19
- *McCray v. State*, 151 So. 3d 449 (Fla. 1st DCA 2014)

Readings for discussion of Rule 2.515 (Signature)

- Florida Bar Ethics Opinion 12-2
- *Valle v. Flory*, 253 So. 3d 742 (Fla. 2d DCA 2018)

**MODULE 5 – 2.420 (confidentiality of court records), 2.425 (minimization of sensitive information)**

Rules of Judicial Administration:

- 2.420
- 2.425

Constitutional Provisions Rule 2.420

- *Article 1 s. 23 Florida Constitution* – Right of Privacy
- *Article 1 s. 24 Florida Constitution* - Access to public records and meetings
- *Article 1 s. 16(b) Florida Constitution* - Rights of Crime Victims

Cases and Statutes Rule 2.420 (public access to and confidentiality of judicial branch records)

- *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018)
- *In re Amendments to the Florida Judicial Qualifications Commission*, 252 So. 3d 733 (Fla. 2018)
- *Tecklenburg v. Kouremetis*, 268 So. 3d 914 (Fla. 2d DCA 2019)
- *House v. State*, 283 So. 3d 451 (Fla. 1st DCA 2019)
- *Clerk of Court Collier County v. Doe*, 292 So. 3d 1254 (Fla. 2d DCA 2020)

Cases and Statutes Rule 2.425 (minimization of sensitive information)

- *Kronen v. Deutsche Bank National Trust Co.*, 267 So. 3d 447 (Fla. 4th DCA 2019)

**MODULE 6 – 2.520 (documents), 2.526 (technology), 2.540 (ADA), 2.430 (retention of documents)**

Rules of Judicial Administration:

- 2.520
- 2.526
- 2.540
- 2.430

### Readings for discussion of Rule 2.520 (documents)

- Florida Bar Ethics Opinion 06-2

### Readings for discussion of Rule 2.430 (retention of documents)

- *Santiago v. US Bank National Association as Trustee for Banc of America Funding*, 257 So. 3d 1145 (Fla. 2018)
- *U.S. Bank v. Rodriguez*, 256 So. 3d 882 (Fla. 4th DCA 2018)

## **MODULE 7 – 2.516 (service)**

### Rules of Judicial Administration:

- 2.516 (service)

### Readings for discussion of Rule 2.516

#### **Who is Entitled to Service**

- *L.T. v. State*, 45 Fla. L. Weekly D927 (Fla. 1st DCA April 17, 2020)

#### **Receipt of Court Orders**

- *Madill v. Rivercrest Community Association, Inc.* 273 So. 3d 1157 (Fla. 2d DCA 2019)
- *Lamoise Group, LLC v. Edgewater South Beach Condo. Assn. Inc.*, 278 So. 3d 796 (Fla. 3d DCA 2019)
- *Garcia v. State*, 45 Fla. L. Weekly D1402 (Fla. 3d DCA June 10, 2020)

#### **Self-represented Litigant**

- *Frank v. Frank*, 253 So. 3d 12 (Fla. 4th DCA 2018)

#### **Amended Complaint**

- *Scheb v. Shalam Imports, Inc.*, 656 So. 2d 956 (Fla. 2d DCA 1995)
- *Kitchens v. Nationstar Mortg., LLC*, 189 So. 3d 355 (Fla. 4th DCA 2016)

#### **Proposals for Settlement**

- *Wheaton v. Wheaton*, 261 So. 3d 1236 (Fla. 2019)

#### **21 Day Safe Harbor Provision- Fla. Stat. 57.105**

- *Isla Blue Development*, 223 So. 3d 1097 (Fla. 2d DCA 2017)
- *Denino v. Abbate*, 247 So. 3d 48 (Fla. 2d DCA 2018)
- *Goersch v. City of Satellite Beach*, 252 So. 3d 309 (Fla. 5th DCA 2018)
- *Law Offices Fred C. Cohen, PA v. H.E.C. Cleaning, LLC*, 4D19-1070 (Fla. 4th DCA Feb. 5, 2020)

#### **Judgment**

- *Henderson-Bullard v. Lockard*, 204 So. 3d 568 (Fla. 5th DCA 2016)

## **MODULE 8 – 2.525 (e-filing)**

### Rules of Judicial Administration:

- 2.525

### Readings for discussion of Rule 2.525 (e-filing)

- Florida Supreme Court Administrative Order 09-30
- Florida Supreme Court Standards for Electronic Access to the Courts
- Florida Bar Ethics Opinion 12-2
- E-filing Manual: Portal E-Filer User Manual December 2018
- PDF A Frequently Asked Questions March 2019