

Detailed Course Syllabus
Field Course: Rules of Judicial Administration
Winter 2019 - Classroom TBD
Friday, Saturday and Sunday - January 18, 19 and 20
Amy S. Borman, Esq.
Phone: (561) 385-0465 Email: ASBorman@gmail.com (UF email address pending)

CLASS SYLLABUS AND POLICIES:

Required Course Materials: Materials will be provided for will be available online. You will **not** need to purchase a textbook.

Description of the Course and Course Objective and 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: We will meet over the MLK weekend. On Friday, January 18, 2019, we will meet from 2:00 until 5:00 pm. (with a 30 minute break). On Saturday, January 19, 2019, we will meet from 9:00 a.m. – 12:00 p.m. (with a 30 minute break) and from 1:30 p.m.- 5:30 p.m. (with two 20 minute breaks). On Sunday January 20, 2019, we will meet from 9:00 a.m.-12:00 p.m. (with a 30 minute break) and from 1:10 p.m.-2:00 p.m. This equates to 14 classroom hours. Lunch on Sunday will be a working lunch and will count toward your out of classroom hours.

Reading Assignments: In advance of class, please read the handouts and materials that will be available on CANVAS at least 10 days prior to the first class. Any specific in-class discussion expectations will be provided via email and posted on CANVAS to correspond with such handouts and materials.

The breakdown of the readings is as follows:

FRIDAY AFTERNOON:

Rules of Judicial Administration: 2.120, 2.215 (only subdivisions (e)(f)(g)), 2.250, 2.545, 2.550, 2.330, and 2.420

Readings for Rule 2.215 (Trial Court Administration)

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

Readings for Rule 2.545 (Case Management)

- *HBC v. Serban*, 148 So. 3d 1287 (Fla. 1st DCA 2014)
- *Vasquez v. State*, 162 So. 3d 117 (Fla. 4th DCA 2014)

Readings for 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)

Readings for discussion of Rule 2.420 (public access to and confidentiality of judicial branch records)

- Art. I, § 23, Florida Constitution
- Art. I, § 24(a), Florida Constitution
- *In re Amendments to the Florida Rules of Judicial Administration*, 31 So. 3d 756 (Fla. 2010) (2.420) (pages 756-770 only)

SATURDAY MORNING:

Rules of Judicial Administration: 2.420, 2.425

Readings for discussion of Rule 2.420 (public access to and confidentiality of judicial branch records)

- Art. I, § 23, Florida Constitution
- Art. I, § 24(a), Florida Constitution
- *In re Amendments to the Florida Rules of Judicial Administration*, 31 So. 3d 756 (Fla. 2010) (2.420) (pages 756-770 only)
- *In re Amendments to the Florida Rules of Judicial Administration*, 124 So. 3d 819 (Fla. 2013) (2.420) (pages 819-826; you are not responsible for reading the appendix that follows)
- Florida Supreme Court Administrative Order 09-30 (pages 1-4 only but skim the Standards for Electronic Access to have an idea of how electronic access was implemented)
- *State v. Wooten*, 4D18-2636 (Fla. 4th DCA Nov. 28, 2018) (added 12/29/18)

Readings for discussion of Rule 2.425 (minimization of sensitive information)

- *In re Amendments to the Florida Rules of Judicial Administration*, 78 So. 3d 1045 (Fla. 2011) (2.425) (pages 1045-1052; you are not responsible for the appendix that follows)
- *In re Amendments to the Florida Rules of Judicial Administration*, 198 So. 3d 592 (Fla. 2016) (2.425)

SATURDAY AFTERNOON:

Rules of Judicial Administration: 2.505, 2.510, 2.451, 2.514

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)
- *Maestrales v. Flaherty*, 183 So. 3d 1036 (Fla. 5th DCA 2015)

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)

SUNDAY MORNING:

Rules of Judicial Administration: 2.515, 2.516, and 2.525

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)

Readings for discussion of Rule 2.516 (e-service)

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*, 217 So. 3d 125 (Fla. 3d DCA 2017)
- *Boatright v. Philip Morris USA Inc.*, 218 So. 3d 962 (Fla. 2d DCA 2017)
- *McCoy v. R.J. Reynolds*, 229 So. 3d 827 (Fla. 4th DCA 2017)
- *Oldcastle Southern Group, Inc. v. Railworks Track Systems, Inc.*, 235 So. 3d 993 (Fla. 1st DCA 2017)
- *Valle v. Flory*, 253 So. 3d 742 (Fla. 2d DCA 2018)

21 Day Safe Harbor Provision- Fla. Stat. 57.105

- *Matte v. Caplan*, 140 So. 3d 686 (Fla. 4th DCA 2014)
- *Estimable v. Prophete*, 219 So. 3d 1001 (Fla. 4th DCA 2017)
- *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)

Judgment

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

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: <https://test.myflcourtaccess.com/authority/trainingmanuals.html>

SUNDAY AFTERNOON:

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)

- *U.S. Bank v. Rodriguez*, 4D17-3391 (Fla. 4th DCA Sept. 20, 2018)

Written Assignments. Written assignments may include (1) in class experiential learning (such as e-filing and e-serving documents as well as drafting court documents) or (2) out of class assignments that will include drafting court documents. Except for the quiz and the administrative order research, out of class assignments can be turned in either during the weekend class period or within twenty-one (21) days after the class ends. Both the quiz and the administrative order research is to be completed PRIOR to the start of class. Assignments include:

- Completing the Introduction Quiz (20 points) (must be completed PRIOR to the start of class)
- Researching Administrative Orders (Rule 2.215) (10 points) (must be completed PRIOR to the start of class)
- Drafting a Motion to Disqualify a trial court judge (Rules 2.330) (10 points)
- Drafting a Motion to Determine Confidentiality of Court Records (Rule 2.420) (10 points)
- Drafting a Notice of Filing Confidential Information (Rule 2.420) (5 points)
- Reviewing a court filing to identify confidential and sensitive information (5 points)
- Drafting a Notice of Appearance (Rule 2.505) (5 points)
- Drafting a Motion to Withdraw as Counsel (Rule 2.505) (10 points)
- Successfully e-filing and e-serving documents (10 points)
- Drafting a Notice of Hearing that includes the applicable ADA language along with a Certificate of Service (Rules 2.540 & 2.516) (5 points)

Laptop Policy: A laptop will be required for certain portions of the class. It will only be permitted during the specified times.

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.

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 January 28, 2019. The grading scale is as follows:

<u>Grade</u>	<u>Range</u>	<u>Scale</u>
A	92.5-100	4.0
A-	89.5-92.4	3.67
B+	86.5-89.4	3.33
B	82.5-86.4	3.00
B-	79.5-82.4	2.67
C+	76.5-79.4	2.33
C	72.5-76.4	2.0
C-	69.5-72.4	1.67
D+	66.5-69.4	1.33
D	62.5-66.4	1.0
D-	59.5-62.4	0.67
E (failure)	59.4 or less	0.00

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

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 ASBorman@aol.com.

Online Course Evaluations: Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations typically are open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at: <https://evaluations.ufl.edu/results/>.

Attendance: This is a weekend course. Attendance is mandatory. University attendance policy may be found at: (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>)

DETAILED SCHEDULE

FRIDAY - January 18, 2019 (revised 1/3/19)

3:00 p.m. – 4:15 p.m. (Module 1)

- Course Introduction
- Overview of the Rules of Judicial Administration and the interplay with the other rule sets
- Understanding the role of the Chief Judge and Trial Court Administration:
 - Rule 2.215(e) - Local Rules and Administrative Orders
 - Rule 2.215(f) - Duty to Rule within a Reasonable Time
 - Rule 2.215(g) - Duty to Expedite Priority Cases
 - Rule 2.250 - Time Standards
 - Rule 2.545 - Case Management
 - Rule 2.550 - Calendar Conflicts

4:15 p.m. - 4:45 p.m. - BREAK

4:45 p.m.- 6:00 p.m. (Module 2)

- Disqualification of Trial Court Judges - Rule 2.330
- Public Access to and Protection of Judicial Branch Records - Rule 2.420

SATURDAY - January 19, 2019

9:00 a.m. – 10:15 a.m. (Module 3)

- Public Access to and Protection of Judicial Branch Records (cont.) - Rule 2.420
- Minimization of Filing of Sensitive Information - Rule 2.425

10:15 a.m.- 10:45 a.m. BREAK

10:45 a.m.- 12:00 p.m. (Module 3 cont.)

- Public Access to and Protection of Judicial Branch Records (cont.) - Rule 2.420
- Minimization of Filing of Sensitive Information (cont.) - Rule 2.425

12:00 p.m.- 1:30 p.m. - Lunch on your own

1:30 p.m.- 2:40 p.m. (Module 4)

- Attorneys - Rule 2.505 & 2.510

2:40 p.m. -3:00 p.m. BREAK

3:00 p.m.- 4:10 p.m. (Module 4 cont.)

- Attorneys - Rule 2.505 & 2.510 (cont.)

4:10 p.m.-4:30 p.m. BREAK

4:30 p.m. - 5:30 p.m. (Module 5)

- Use of Electronic Devices - Rule 2.451
- Computing and Extending Time - 2.514

SUNDAY - January 20, 2019

9:00 a.m.-10:15 a.m. (Module 6)

- Signature and Certificates of Attorneys and Parties - Rule 2.515
- Service of Pleadings and Documents - Rule 2.516

10:15 a.m.-10:45 a.m. BREAK

10:45 a.m. - 12:00 p.m. (Module 7)

- Service of Pleadings and Documents (cont.)- Rule 2.516
- Electronic Filing - Rule 2.525

12:00 p.m.- 1:00 p.m, (Working Lunch) (Module 8)

- e-filing/e-service

1:00 p.m.-1:10 p.m. BREAK

1:10 p.m.-2:00 p.m. (Module 9)

- Documents - Rule 2.520
- Accessibility of Information and Technology - Rule 2.526
- Requests for Accommodations by Persons with Disabilities - Rule 2.540
- Retention of Documents 2.430