

Detailed Course Syllabus (**revised 8/8/19**)
Field Course: Rules of Judicial Administration
Fall 2019 - Classroom Holland 285A
Wednesday August 21-Saturday August 24
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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 – will 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:

Wednesday Aug. 21 2:30-5:30 (Modules 1 and 2)
Thursday Aug. 22 10:00-12:00 (Module 3) & 1:30-3:30 (Module 4)
Friday Aug. 23 10:00-12:00 (Module 5) & 1:30-3:30 (Module 6)
Saturday Aug. 24 9:00-12:00 (Modules 7 & 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 7 days prior to the first class. While there are a lot of cases, they cases are relatively short. The reading requirements are set forth at the end of the syllabus and broken down into modules.

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) and (2) out of class assignments that will include drafting court documents. Except for the registering for e-filing, a quiz, and the administrative order research, out of class assignments can be turned in either during the weekend class period or within twenty (20) days after the class ends. Both the e-filing registration, the quiz and the administrative order research is to be completed PRIOR to the start of class. Assignments include:

- Registering for the test site of the e-portal (must be completed PRIOR to the start of class) (5 points)
- 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 (5 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/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 may 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.

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 Sunday September 15.**

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)

- *Vasquez v. State*, 162 So. 3d 117 (Fla. 4th DCA 2014)
- *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)

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)
- *Aquasol Condominium Association Inc., v. HSBC Bank USA National Association* 43 Fla. L. Weekly D2416 (Fla. 3d DCA Oct. 31, 2018)
- *Gulfstream Park v. Gale*, 540 So. 2d 196 (Fla. 3d DCA 1989)

- *Law Offices of Herssein and Herssein v. United Services Automobile Association*, 43 Fla. L. Weekly S565 (Fla. 2018)
- *Messianu v. Pigna*, 180 So. 3d 229 (Fla. 3d DCA 2015)
- *Reed v. State*, 259 So. 3d 718 (Fla. 2018)
- *Wright v. Wright*, 260 So. 3d 494 (Fla. 5th DCA 2018)
- *Ratley v. State*, 1D18-4184 (Fla. 1st DCA July 16, 2019)
- *Pounds v. State*, 3D19-1165 (Fla. 3d DCA July 17, 2019)

MODULE 3 - 2.505, 2.510 (Attorneys, Foreign Attorneys, Military Spouses)

Rules of Judicial Administration: 2.505, 2.510

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)
- *Agape Charter School v. Summit Chapter*, 254 So. 3d 1129 (Fla. 5th DCA 2018)
- *US Bank National Association Trustee for Ramp v. Bell*, 44 Fla. L. Weekly D339 (Fla. 5th DCA 2019)
- *In Re: Amendments to the Rules Regulating the Florida Bar and the Rules of the Supreme Court Relating to Admissions to the Bar-Military Spouse Rules*, SC18-158

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)
- *Harold v. State*, 119 So. 3d 451 (Fla. 2d DCA 2013) (unpublished)
- *Coleman v. State*, 257 So. 3d 444 (Fla. 2d DCA 2018) (unpublished)
- *Harris v. State*, 262 So. 3d 726 (Fla. 2d DCA 2018) (unpublished)

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)

- *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)
- *In re Amendments to the Florida Rules of Judicial Administration*, SC19-1049 (Fla. 2019)
- 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)
- *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)

Cases and Statutes 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)

- *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*, 4D17-3391 (Fla. 4th DCA Sept. 20, 2018)

MODULE 7 – 2.516 (service)

Rules of Judicial Administration: 2.516 (service)

Readings for discussion of Rule 2.516

Receipt of Court Orders

- *Madill v. Rivercrest Community Association, Inc.* 44 Fla. L. Weekly D1461 (Fla. 2d DCA June 7, 2019)

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*, 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)
- *Wheaton v. Wheaton*, SC17-716 (Fla. 2019)

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)

Manuals

- E-Service User Guide October 2017

MODULE 8 – 2.525 (e-filing)

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