

Judge James R. Shenko's Civil Division Procedures

Judge James R. Shenko
Circuit Court Judge
Lee County Justice Center
1700 Monroe Street
Fort Myers, FL 33901
Courtroom 4-G
Phone: 239-533-9154

ATTORNEYS: Please read and follow the Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit found at www.ca.cjis20.org/pdf/ao/ao_2_20.pdf. Local Rules and Standards of Professionalism regarding motions are strictly enforced. Any motions not in full compliance with these rules may not be heard.

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

JACS Log-On Information for scheduling civil motions: For first time users, click the "Schedule Time Slots" link, enter your Florida Bar number for both the user ID and password, select Judge Shenko, and then 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 e-mail with your Florida Bar number to JACSLee@ca.cjis20.org. NOTE: Pro-Se Parties and Attorneys appearing Pro Hac Vice do not have the ability to schedule online via JACS and should contact the Judicial Assistant to secure a hearing date and time after it has been coordinated.

Scheduling Hearings

All hearings **30 minutes or less** can be scheduled online through Judicial Automated Calendaring System ("JACS"). JACS can be accessed online at [JACS Online](#). Available timeslots range from 5-30 minutes. Enter the case in the following format: 2 digit year, division, and the case number (e.g. -20CA1234). **Do not use dashes or spaces when entering the case number.**

- For hearings **longer than 30 minutes**, submit a request in writing to the Judge with the motion attached for which you are requesting extended hearing time. Upon the Judge's review and approval of the request, the Judicial Assistant will contact you with special set hearing dates.
- When scheduling hearings, schedule enough time to present your argument as well as opposing counsel or self-represented party(ies). Judge Shenko 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 your case. The time allotted to each party includes direct and cross-examination of witnesses, any opening statements and closing or other arguments.

Telephonic Appearance

- ✓ All non-evidentiary hearings 30 minutes or less may be held telephonically via CourtCall. Please contact CourtCall 3 business days in advance to schedule your telephonic appearance at 888-882-6878 or online via www.courtcall.com. If attending a hearing telephonically, you should call into CourtCall at least 5 minutes prior to the scheduled hearing time to ensure your timely appearance and have the opportunity to address any connectivity issues. Any party who wishes to appear via CourtCall is responsible for scheduling and payment of their own fees.
- ✓ All hearings longer than 30 minutes and all evidentiary hearings must be attended in person unless otherwise approved by written motion and order.

Hearing Notices

In compliance the Twentieth Judicial Circuit Standards of Professionalism, all Notices of Hearing shall reflect the following:

- ✓ Whether the date and time have been coordinated with opposing counsel. If counsel has been unable to coordinate the hearing with the opposing party(ies), the Notice should state the specific good faith efforts the attorney undertook to coordinate or why coordination was not obtained.
- ✓ Whether the hearing is being held via CourtCall or in person.
- ✓ JACS will generate a hearing confirmation number which should be included along with the docket number of the motion and date it was filed.
- ✓ **Emergency hearings** may not be scheduled through JACS. All requests for such hearings must be submitted to the Judge in writing with a copy of the verified motion signed by counsel AND their client(s). The motion must be filed with the Clerk's Office prior to submission to the Judge. Please set forth the basis for the emergency in the motion.
- ✓ **No piggy-backing of motions.** Once a motion is scheduled, subsequent motions may not be piggy-backed or cross-noticed onto the time reserved for the first motion, absent prior approval of the original scheduling attorney AND the Court. Any hearings scheduled in this manner will be cancelled.
- ✓ **No back-to-back scheduling.** Attorneys may NOT schedule multiple motions for back-to-back hearings to acquire a longer block of hearing time (e.g. - scheduling two 5-minute hearings to acquire 10 minutes). Any hearings scheduled in this manner will be cancelled.
- ✓ **Motions for Rehearing or Reconsideration** MUST be reviewed by Judge Shenko before they may be scheduled for hearing, IF the Judge so directs.

Cancellations

All cancellations are to be made 2 business days in advance of the hearing. You are required to file a Notice of Cancellation and cancel the hearing on JACS. The Notice of Cancellation should be filed with copies being provided to all parties and counsel. If a hearing has been cross-noticed by self-represented parties or counsel, then they must file a Notice of Cancellation of their Cross-Notice of Hearing.

Documents Submitted to the Judge

- ✓ Please forward to the Judge's office any documents that you would like Judge Shenko to review **no later than 5 business days** prior to the scheduled hearing.
- ✓ Neither the Clerk's Office nor the Judge's Office will print documents longer than 20 pages.
- ✓ When submitting documents, submit a cover letter along with the documents. In your letter, provide the case number and case caption, what is being submitted, the reason it is being submitted, the date of the court proceeding to which they pertain, and all counsel and/or parties (if self-represented) should be copied.

Continuances

- ✓ The Court strictly adheres to Fla.R.Jud.Admin. 2.085(e) and Fla.R.Civ.P. 1.460. As such, continuances will rarely be granted, and then only upon a showing of an unanticipated event and good cause.
- ✓ Stipulations to Continue Trial **DO NOT** automatically continue the trial. Stipulations should set forth the reason(s) for the continuance and be signed by all parties, counsel, and their client(s). Motions or Stipulations for Continuance of Trial must be heard before the Pre-Trial Conference and can be scheduled online via JACS. All parties shall continue to prepare for trial as scheduled unless an Order is entered granting a continuance.

Motions referred to the Civil Magistrate

The Civil Magistrate is not restricted to motion types that can be heard, only duration. Motions referred should be limited to 15 minutes or less. All motions can be referred to the Civil Magistrate upon submission of an Order of Referral to General Magistrate via the e-filing portal. Once the Order has been signed by the Judge, please refer to the Civil Magistrate's JACS calendar for hearing dates and times to coordinate with all counsel/party(ies). Once you have coordinated a date and time, you must contact the Magistrate's Assistant at (239) 533-2583 to place the hearing on the Civil Magistrate's calendar.

Exceptions to the Magistrate's Recommended Order

If an Exception to the Magistrate's Recommended Order is filed, provide a copy to Judge Shenko's office along with a cover letter stating how much time is needed for the hearing on the Exceptions. After review by the Judge, the Judicial Assistant will contact you to schedule a hearing.

Proposed Orders

- ✓ Lee County is PAPERLESS. All proposed Orders should be uploaded to the e-filing portal in Word format for the Judge's signature and service.
- ✓ The Court **will not hold** Orders or Judgments pending objection by the parties and/or their counsel.
- ✓ DO NOT upload proposed Orders to the e-filing portal and then send a hard copy in the mail. Use one method of service to avoid duplication.

Foreclosure Motions

PRE-Judgment Residential foreclosure motions are heard before a Senior Judge. Hearings on all motions before the Senior Judge must be coordinated through Civil Case Management. The motion must be filed with the Clerk along with a copy e-mailed to LeeCircuitcivilcm@ca.cjis20.org. Civil Case Management will provide a hearing date within 3 business days of your request.

POST-Judgment Residential foreclosure motions, COMMERCIAL foreclosure motions, and LIEN foreclosure motions are heard before Judge Shenko and can be scheduled on JACS.