

IN THE DISTRICT COURT OF APPEAL IN AND FOR THE STATE OF FLORIDA
SECOND DISTRICT

July 1, 2011

NOTICE TO ATTORNEYS AND PARTIES

The substantial case load of this court together with the orderly and timely movement of appeals requires us to require strict compliance with the Florida Rules of Appellate Procedure. The following paragraphs incorporate requirements of those rules as well as internal policies adopted by this court.

1. Critical Time Requirements for Appeals from Final Orders.

(a) Seventy (70) days from Notice of Appeal for serving the initial brief in civil appeals (rule 9.110(f)); thirty (30) days following record transmission, or designation, in criminal appeals (rules 9.140(f)(1) and 9.140(g); fifteen (15) days in summary appeals for optional brief (rule 9.141(b)(2)(C)).

(b) Ten (10) days to voluntarily respond to an opponent's motion (rule 9.300(a)).

2. Extensions.

Good cause must be shown. File before the applicable deadline. Noncompliance may subject the appeal to dismissal or result in sanctions against the attorney. Specify the expiration day of the requested extension. Pursuant to rule 9.300, include the certificate that opposing counsel has been consulted and either has no objection or will promptly file an objection. Upon good cause shown,

In lieu of the docketing statement, all attorneys and unrepresented parties shall advise this court of **related cases** currently pending or recently decided by this court.

This includes appeals or original proceedings that arise from the same trial court case, as well as proceedings, even if not in the same trial court case, that arise from the same or related factual circumstances. Proceedings involving criminal defendants who are not codefendants but who have been accused of being confederates in a criminal act or acts would qualify under this definition of related cases in this court.

To satisfy the requirements of this new obligation, attorneys and unrepresented parties shall file a separate document within seven days of receipt of this notice providing the necessary information, and shall title it "Notice of Related Case(s)." A certificate of service shall be included. Attorneys and unrepresented parties are requested to provide continuous notice to this court should additional proceedings be brought to their attention that are related to a matter they have pending in this court.

**The court's online docket may be accessed at its website:
www.2dca.org.**

one (1) extension not over thirty (30) days may be granted. FURTHER EXTENSIONS MAY BE GRANTED UPON A SHOWING OF HARDSHIP OR EMERGENCY.

3. Oral Argument Request and Continuances.

(a) Requests must be made not later than the time the last brief of the requesting party is due and shall be filed in a document separate from any briefs or other documents. Twenty (20) minutes per side, unless the court orders the time expanded prior to the date of argument. Rule 9.320.

(b) Motions for continuance of oral argument must be based either on an emergency or on a substantial commitment preexisting the receipt of the oral argument calendar. See also Fla. R. Jud. Admin. 2.550.

(c) Timely requests for oral argument, submitted in a separate motion that complies with Florida Rule of Appellate Procedure 9.320, will generally be granted in appeals from final orders. Except in extraordinary cases, however, the court does not allow oral argument in the following types of proceedings:

- i) appeals in which a pro se party is incarcerated;
- ii) unemployment compensation appeals;
- iii) original proceedings pursuant to rules 9.100 and 9.141(c);
- iv) summary appeals pursuant to rule 9.141(b)(2);
- v) nonfinal and specified final appeals pursuant to rule 9.130;
- vi) final appeals from orders on motions filed pursuant to Florida Rules of Criminal Procedure 3.800 and 3.850 following an evidentiary hearing; and
- vii) motions.

You may request oral argument in any of the above-listed categories of proceedings in which argument is not generally permitted. To qualify for consideration, however, your motion must be entitled "Extraordinary Motion for Oral Argument," and it must state the specific reasons why you believe in good faith that an oral argument is necessary to adequately present your or your client's case.

(d) Upon receipt of your oral argument calendar, please check WHERE argument is to be held. This court sets cases at TAMPA, LAKELAND, AND OTHER CITIES FROM TIME TO TIME.

4. Briefs.

Any brief submitted to the court must comply with Florida Rule of Appellate Procedure 9.210, and must be printed, typewritten or duplicated on opaque, unglossed 8 ½ x 11 inch paper. Importantly, rule 9.210(a)(2) provides in part that, if the brief is typewritten or computer-generated:

The lettering in briefs shall be black and in distinct type, double-spaced, with margins no less than 1 inch Computer-generated briefs shall be submitted in either Times New Roman 14-point font or Courier New 12-point font.

5. **Record References in Briefs.**

Failure to comply with rule 9.210(b)(3) by reference to appropriated pages of the record in the statement of the case and facts will result in the striking of the brief, even in the absence of a motion filed by the opposing party.

6. **Use of Trial Court Evidentiary Exhibits.**

(a) **Contraband and dangerous items:** Please do not designate as part of the record on appeal such tangible evidence as drugs, firearms, or explosives without prior permission of the court. If the court approves transmission of these kinds of exhibits, it will identify the role of the circuit court clerk and appropriate law enforcement personnel in transporting the exhibits.

(b) **Large charts, and heavy or bulky items:** Please do not designate as part of the record on appeal large items without prior approval by the court. In the event such approval is given, in civil cases it will be the responsibility of the party gaining such approval to see that oversized evidence is delivered to this court and redelivered to the trial court at the conclusion of the appeal. In criminal cases, the court upon motion will designate the means of transmission of the subject exhibits. This restriction does not apply to normal-size documents, photographs, maps, graphs, etc.

7. **Appendices.**

Appendices submitted shall be limited to 200 pages per bound volume. Text is permitted on one side of the page only, and appendices will not be accepted if compiled in three-ring binders.

8. **Attaching Addressed Envelopes to Motions.**

Please attach to all motions stamped, addressed envelopes for all parties, including the movant. Further, the court is not permitted to pay postage due on incoming mail, and mail with insufficient postage will be returned to the sender.

9. **Supplemental Authority.**

Notify opposing party of full citation BEFORE oral argument and file with this court. This should be done, except in exceptional circumstances, early enough for opposing counsel to be prepared to respond to the supplemental authority at oral argument.

10. Waiving Oral Argument.

Cases without oral argument are subject to same review, analysis, and consideration by a three-judge panel as are cases that are orally argued.

11. Florida Bar Numbers.

All attorneys **MUST** put their Florida Bar membership number on all pleadings filed with the appellate court.

12. Changes of Address of Attorneys or Parties.

All attorneys representing parties in this court and parties representing themselves shall promptly notify this court of any changes of their address. All orders or decisions of this court sent to the last address in the court file will be presumed to be adequate notice for all purposes.



MORRIS SILBERMAN
CHIEF JUDGE

IMPORTANT NOTICE re: **E-MAIL FILING**

July 1, 2011

Attorneys must, and pro se litigants may, submit an electronic version of briefs in appeals and petitions, responses, and replies in original proceedings in all appellate cases numbered 2D06-3000 and higher. Directions on the appropriate procedure for complying with this directive have been provided with a copy of this notice to attorneys and parties ("Clerk's Notice re: E-mail Filing"), and can also be accessed on the clerk's page of the court's website, www.2dca.org.

In lieu of submitting diskettes of documents, which this court has requested for many years, attorneys and parties are requested in cases numbered 2D06-2999 and lower to submit an electronic copy of briefs, petitions, responses, and replies according to the guidelines outlined in the document referenced above, "Clerk's Notice re: E-mail Filing," accessible on the clerk's page of the court's website.

MORRIS SILBERMAN
CHIEF JUDGE