

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY FLORIDA**

**ADMINISTRATIVE MEMORANDUM
No. 20-A**

Court Administration—Section 24)

**IN RE: INTRODUCTION OF EVIDENCE IN
EVIDENTIARY HEARINGS CONDUCTED
REMOTELY DURING THE PANDEMIC IN
THE CIRCUIT CIVIL DIVISION**

WHEREAS, Under the Florida Supreme Court Chief Justice’s Administrative Orders, chief judges were directed to take all possible steps to facilitate conducting proceedings with the use of technology, and judges who can conduct court business from a remote location are strongly encouraged to do so; and

WHEREAS, in the Eleventh Judicial Circuit and the Circuit Civil Division, court staff and court partners have worked tirelessly to resume all hearings electronically utilizing the Zoom platform; and

WHEREAS, in addition to allowing such remote testimony and swearing in of witnesses as described in Supreme Court and Eleventh Judicial Circuit Administrative orders, as amended, it is necessary that courts and the parties have clear guidance as to how such evidence is presented to the court, the clerk and the parties; and

NOW THEREFORE, pursuant to the authority vested in me by the Chief Judge as Administrative Judge of the Civil Division of the Eleventh Judicial Circuit of Florida and Rule 2.215, Florida Rules of Judicial Administration, this memorandum shall set forth procedures for introduction and use of documentary evidence through remote means in Circuit Court civil evidentiary hearings (including non-jury trials):

1. This procedure applies only to the electronic use and entry of documentary, photographic, audiovisual and other evidence reasonably able to be provided and shared electronically; and
2. This procedure does not apply to physical evidence not stipulated or agreed by the parties (parties should seek guidance before the hearing from the Court, if applicable); and
3. All Counsel or self-represented parties must meet and confer (meet and confer herein meaning by telephone, email, or videoconference) prior to an evidentiary hearing during which they should endeavor to stipulate to as much as practicable regarding authenticity and admissibility; and

4. At least five business days before an evidentiary hearing conducted by remote means, each counsel shall file all evidence sought to be introduced. All exhibits should be pre-marked for identification and shall include an index listing all proposed exhibits with the exhibit numbers or letters. Where possible, counsel should seek to file jointly, but in the absence of a joint filing, counsel must file unilaterally at least five days in advance.

5. Counsel should meet and confer in connection with the evidence submissions and where an exhibit is stipulated to be admitted, counsel shall so indicate in the manner the exhibit is marked both on the exhibit and on the index.

6. Nothing in this procedure limits the trial court's ability to designate supplemental procedures (for example, requiring copies to the Court in advance of the hearing); and

7. Similarly, nothing in this procedure limits the trial court's discretion to admit, admit for a limited purpose, or deny entry or use of such evidence, or fashion whatever relief is appropriate under the circumstances, based on lack of compliance with these procedures; and

8. After the hearing, counsel must work promptly to prepare a corrected index of exhibits which have been introduced in evidence marked in the manner designated by the Court or the Clerk at the hearing (unless the Clerk prepared an index during the hearing); and

9. To the extent exhibits were not filed before the hearing and were considered by the Court, counsel shall file such exhibits forthwith; and

10. In settings where the Court must review a document, but it is not being admitted as evidence (for example, showing a driver's license to verify identity) the party need not file the document in advance but may present the document to the camera for the Court's review during the hearing; and

11. If the parties comply in good faith with this procedure but technological issues prevent a meaningful review of the evidence through remote means, the Court may reset the matter.

This Administrative Memorandum shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 14 day of April 2020.

/s/ Jennifer D. Bailey
JENNIFER BAILEY, ADMINISTRATIVE JUDGE
CIRCUIT CIVIL DIVISION