

FIFTH DISTRICT COURT OF APPEAL, STATE OF FLORIDA
300 South Beach Street, Daytona Beach, FL 32114

ADMINISTRATIVE ORDER RE: CONTINUANCES OF ORAL ARGUMENT
AO5D15-01

April 24, 2015

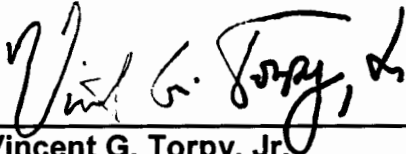
The Court having adopted a policy regarding continuances of oral argument, it is
ORDERED that:

Effective immediately, all requests to reschedule oral argument shall comply with
the attached policy.

The Clerk shall amend the Notice of Oral Argument to advise litigants and counsel
of this order.

All requests to reschedule argument that do not comply with this order shall be
stricken.

DONE AND ORDERED at Daytona Beach, Florida this 24th day of April, 2015.

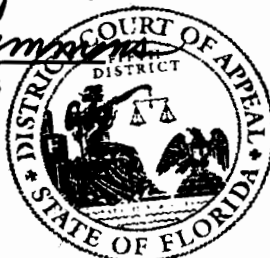


Vincent G. Torpy, Jr.
Chief Judge

ATTEST:



Joanne P. Simmons
Clerk of Court



Continuance Policy

Whereas, Florida Rule of Judicial Administration 2.545(e), requires that judges establish “a firm continuance policy” and that continuances be “few,” and

Whereas, this Court’s prior policy consisted of a general statement that continuances of oral arguments only be granted upon a showing of “extreme hardship,” and

Whereas, in an effort to establish a policy that gives greater guidance to the litigants and counsel, and to facilitate the prompt disposition of cases, the Court adopts the following policy, which shall be implemented by administrative order.

1. Any request for the rescheduling of oral argument, by whatever name, shall be treated as a motion to continue and considered under rule 2.545(e).

2. Such requests shall be made as soon as possible after the oral argument date is published, shall be made by written motion and shall state the grounds upon which they are based with particularity. All such motions shall contain a statement advising the Court of the aggregate number of days of prior extensions granted to each party during the briefing phase of the appeal. As provided in rule 2.545(e), the motion shall advise the Court of the priority status of the case, if applicable. The motion shall contain the certificate described by Florida Rule of Appellate Procedure 9.300(a).

3. All motions for continuance shall be signed by the attorney making such motion and the attorney’s client (the party to the appeal). The signature of the party shall be immediately preceded by a conspicuous certificate as follows:

I understand that I am requesting that the Appellate Court reschedule the oral argument in this case to some future date. This might result in a delay in the disposition of my case by as much as four months. I also understand that the Court reserves the right to dispense with oral

argument in lieu of a continuance, if the Court determines that oral argument will not be beneficial.

4. Absent highly unusual circumstances, the Court does not change panel assignments for continued cases. Accordingly, requests for a “short” continuance or the like will be treated as a request for a continuance for an unrestricted duration. If granted, the oral argument will be continued to the nearest date on which all judges on the original panel are available. Similarly, manifestations of a lack of objection to a continuance provided that such continuance is for a “short” period or the like, will be treated as an unqualified lack of objection to the request.

5. Litigants are directed to familiarize themselves with Florida Rule of Judicial Administration 2.550, regarding calendar conflicts. Pursuant to rule 2.550(c), when a conflict arises, counsel shall attempt to arrange for other counsel to handle one of the appearances so as to avoid the necessity for a continuance. When multiple attorneys have signed the appellate brief, this Court will presume that any of the attorneys are competent to handle oral argument unless a particular showing is made to the contrary. This Court will generally adhere to the priorities established in rule 2.550 for resolving conflicts.

6. Counsel are expected to seek coverage from other counsel during periods of vacation, particularly when counsel are members of firms with multiple attorneys. If a continuance is sought based on conflicts with vacation plans and no other coverage is available, counsel should be particular in describing the need for a continuance and the particular hardship counsel will incur should a continuance not be granted.

7. In lieu of a continuance, in the case of a particular conflict and upon good cause shown, the Court will generally, favorably consider a request to move the oral argument to the other docket within the same week.

8. Requests for continuances are directed to the panel who will hear the case. Each panel has the discretion to grant any continuance for good cause shown.

9. A copy of this policy shall be posted on the Court's website, and notice of the policy shall be given in the Notice of Oral Argument.

Adopted this 24th day of April, 2015, by all the judges of the Court.

Attest:

Joanne P. Simmons

Joanne P. Simmons
Clerk of Court

