

IOP 5.1 | SCHEDULING AND ASSIGNING CASES

The clerk prepares the court calendar and assignment of judges to panels under the supervision of the chief judge. In preparing the schedule, the clerk assigns the judges to merits panels, emergency panels, and writs and motions panels. The merits panel assignments are made using a blind draw system in a manner that neither judges, lawyers, nor litigants have any influence in selection of any judge or panel to consider any particular case. For merits panels, the clerk utilizes five three-judge panels sitting during each scheduled session during the year. The prime consideration in constructing the calendar is to ensure that each judge sits with each of the other judges of the court on merits panels at least once during the year but not more than twice.

5.1.1 Emergency Panels

Emergency panels are designated weekly to address petitions, cases, and other filings requiring immediate attention. Unless a prior emergency panel has begun analysis of an emergency appeal due to the assignment of a motion, an appeal requiring immediate attention is assigned to the emergency panel for the week during which the answer brief is due. All judges are assigned to serve on these panels from time-to-time on a rotating basis and serve on 10 or 11 weekly panels during the year. Summaries are prepared for cases assigned to the emergency panels by career attorneys on the court's central staff or by the primary judge's staff, at the primary judge's election.

5.1.2 Writs and Motions Panels

The writs and motions panels decide all motions not decided by the chief judge or acting chief judge that are filed prior to the time of the assignment of the case to a merits panel. In addition, the writs and motions panels dispose of time-sensitive extraordinary writ petitions and confessions of error. Throughout the year, each judge of the court serves on 10 or 11 writs and motions panels in addition to sitting on merits panels. Summaries for the writs and motion panels are prepared by career attorneys on the court's central staff.



5.1.3 Merits Panels

Cases which have matured, meaning that all briefs have been filed, or the time for filing has passed, and the record has been filed, are assigned to one of the regular merits panels. Each merits panel is constituted to receive case assignments and hear oral arguments for one month, although the work of each panel may require many months to complete. Each regular merits panel receives approximately 70 cases per month. Each judge on a merits panel will be the primary judge on one-third of those cases, with the assignment of the primary judge being made in the clerk's office by random selection. When a judge is primary on a case, he or she makes the initial determination of whether oral argument will be granted, presents the case at conference or by circulation, and has responsibility for preparation and distributing a summary of the case to each member of the panel. The merits panel also rules upon any motions filed in the case after it is assigned to the panel. The summary is provided to the panel along with the briefs, any appendices, and other conference materials, which typically include excerpts from the record, copies of opinions, and copies of relevant statutes or rules.

5.1.4 Expedited Processing of Certain Cases Involving Children

Consistent with the Florida Court System's emphasis on cases affecting children, this court has accelerated procedures for processing appeals involving the Termination of Parental Rights and Finding a Child Dependent. This court also expedites certain other categories of cases, including Juvenile Delinquency, Family Law cases affecting child custody or support, Baker Act Appeals, Non Final Appeals and other cases individually expedited by court order.

Cases that appear to address termination of parental rights or child dependency are reviewed by the court staff immediately after they are filed to identify any jurisdictional defects and to determine if the case is properly classified as a termination or dependency case. The court then issues an order which:

- (1) expedites the case;



(2) provides that extensions of time will not be granted to court reporters, lower tribunal clerks charged with preparing the record, or to the parties, except when emergency circumstances are shown; and

(3) requires the appellant to notify the court of the name and address of the court reporter who is to prepare any transcripts. To help ensure prompt identification of expedited cases by all court personnel, all termination of parental rights and dependency cases are marked as such in the court's case management and electronic filing systems.

Prior to being assigned to a panel of judges for merits consideration, each dependency and termination case is reviewed weekly in the clerk's office to ensure that it is proceeding in accordance with the rules. If action is required to assure that the case is treated by the parties as an expedited case, the court will issue any necessary orders. These expedited cases are assigned to regular merits' panels for a decision in certain predesignated expedited case slots that are held for sensitive cases. If even quicker action is required the case will be assigned to the weekly emergency panel. Further, law clerks, judges and panels are expected to review dependency and termination of parental rights cases and other expedited cases ahead of their other cases.

