

IN THE CIRCUIT COURT OF  
THE EIGHTEENTH JUDICIAL  
CIRCUIT OF FLORIDA

ADMINISTRATIVE ORDER NO.:  
88-21

IN RE: **CALENDAR CONFLICT RESOLUTION WITHIN THE EIGHTEENTH  
JUDICIAL CIRCUIT**

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Where an attorney is scheduled to appear before two or more judges at the same time and cannot arrange for other counsel in his or her firm or in the case to represent the client's interest, the attorney shall give prompt written notice to opposing counsel and the presiding judge of each case of the conflict. The judges shall confer and undertake to avoid the conflict by agreement among themselves. Absent agreement, conflicts should be promptly resolved by the judges in accordance with the following priorities:

1. Criminal Cases

- a. Criminal trials should prevail over civil trials.
- b. Criminal trials with speedy trial problems should prevail over criminal trials without speedy trial problems. A speedy trial problem is defined as a case which is in the last two (2) weeks of its speedy trial period or is in imminent jeopardy of being dismissed for such reason.
- c. Where no speedy trial problem exists:
  1. Trials of incarcerated defendants should prevail over trials of defendants not incarcerated.
  2. If both, or neither, are incarcerated, felony trials should prevail over misdemeanor trials.
- d. Criminal trials should prevail over Violation of Probation (V.O.P.) and Violation of Community Control (V.O.C.C.) hearings.
- e. V.O.P. and V.O.C.C. hearings should prevail over other criminal hearings except hearings on Motions to Suppress set for more than five (5) days prior to setting of the V.O.P./V.O.C.C. hearings.

- f. In conflicts between other criminal hearings, the one with the earliest date of service of the notice of hearing should prevail.

2. Civil Cases

- a. Jury trials should prevail over non-jury trials.
- b. Non-jury trials should prevail over hearings.
- c. In conflicts between civil trials (jury vs. jury or non-jury vs. non-jury), the case in which the trial has been first set should take precedence.
- d. In conflicts between civil hearings, the one with the earliest date of service of the notice of hearing should prevail.

ORDERED at Rockledge, Brevard County, Florida, this 13th day of April, 1988.

Clarence T. Johnson, Jr.

CLARENCE T. JOHNSON, JR.  
Chief Judge

Distribution:

Clerks of the Circuit Court (Brevard and Seminole Counties)  
All Judges (Brevard and Seminole Counties)  
President, Brevard County Bar Association  
President, Seminole County Bar Association  
President, Orange County Bar Association  
William G. Deitz, Court Administrator

Recording:

Seminole County 4-19-88; OR BOOK 1950, PAGE 0676-0677

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