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RE: Court Processes During COVID-19 and Barfield, McCain Hearing Procedures – Prepare for the Unexpected

Dear Valued Client:

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As you are fully aware, COVID-19 has had a large impact on the multifamily housing industry on many levels, affecting your policy decisions relating to amenity usage, tenant communications, rent delinquencies, and evictions. We have done our best to keep you informed with the most up to date information with the plethora of legislation that has been issued during these unprecedented times. Now that we are slowly entering our “new normal” and are now allowed to file evictions, we wanted to take a moment to update you on how the Courts are handling filings and hearings and what you should and should not expect.

Barfield, McCain represents multifamily communities throughout Florida and because of our state-wide filing experience, we can affirmatively tell you that COVID-19 has caused policy and procedure changes in every County of the State and each Clerk of Court, and oftentimes each individual Judge, has responded to the pandemic and the Florida and Federal legislation in a different manner. We are doing our very best to stay on top of all the changes, but please understand, the information, policies, and judicial requirements are changing consistently. Litigation has always had some level of unpredictability, but we are experiencing greatly magnified unpredictability resulting from COVID-19. In light of this, we ask that you **be prepared for the fact that the processing of eviction cases will run a different course than what you are accustomed to. Our goal is to inform you of what to expect, prepare you for the unexpected, and to support you through the process.**

As such, we have attached hereto Barfield, McCain’s new *Hearing Policy and Procedures*. We will provide you a copy of same prior to each hearing and we ask that you review it carefully and contact our office if you have any unanswered or more specific questions or concerns about a particular case.

Our highest priority remains to support our valued clients through this uncharted territory. We hope you and your loved ones remain safe and healthy.

Warm Regards,

Your Friends at Barfield, McCain PA



BARFIELD MCCAIN HEARING POLICIES & PROCEDURES

Notification of Hearing / Scheduling: Once a hearing in your case has been set, Barfield, McCain will notify you as soon \possible after receiving notification from the Court regarding your scheduled date, time, and required appearance method (in-person, telephonic and/or video). When a hearing has been scheduled, Barfield, McCain will typically email you a request for the following items:

1. Updated Ledger;
2. Full lease;
3. Confirm who will be attending from your office, and provide a cell number; and
4. In terms of your desired result and/or disposition, please advise if you want possession or if you are open to settlement.

Requests for Documents: Please understand that the volume of cases being set for hearing is much larger than pre-COVID-19, and as such, we ask that you **respond to our Scheduling Department's emails requesting the above-stated information within 24 hours** so that our attorneys have time to adequately review and prepare for the hearing.

Attorneys / Hearing Preparation: The attorney who will be attending the hearing with you will do his/her best to contact you a day or two before the hearing to discuss the case particulars or areas of concern. **If you have not heard from an attorney and you have any questions or pertinent information that could impact the results of the hearing or outcome of the case, please call the office no later than 2:00 PM the day before your hearing and ask to speak to one of our attorneys.**

Attending the Hearing: Speaking with an attorney from our office at least one day prior to your hearing is the best way to understand what to expect during the hearing and to gain insight into our recent experiences with the particular Judge. Please understand that no matter how the hearing is titled, i.e. "Status Conference", "Case Management", "Final Hearing", etc., you should always be prepared for the Judge to ask you questions about the facts and for the Judge to make a determination about the case. Please also understand that the Judge may simply ask if the tenant is still residing in the unit, has a COVID-19 hardship, and then reset the matter for a later date.

Hearing Attendance / Technology: If the hearing is via telephonic and/or video, please be sure that you are familiar with the technology platform being utilized by the Judge, which is most often Zoom. Please note, the Judges very rarely send us an electronic invite to the Zoom Hearing. Rather, the Notice of Hearing typically includes the http:// link to the meeting which you can type into your internet browser, or you can download the Zoom app and join the meeting by typing in the supplied Meeting ID. If you need assistance with locating the link or Meeting ID, please call our office at least a day prior to the hearing so that we may assist and ensure a smooth appearance.

What to Expect:

Judges throughout the State are all interpreting, handling, and applying the CDC Moratorium in varying degrees. Some are only staying evictions if all leaseholders have filed a signed CDC Declaration. Others are presumptively qualifying tenants for CDC protections based on statements in their filed answers or testimony that they have lost their job or are experiencing reduced hours at work. Some Judges are staying the evictions without imposition of a Rent Deposit Order while others are imposing reduced Rent Deposit Orders during the CDC moratorium. Therefore, please know even if the tenant has failed to present a COVID-19 hardship or CDC Declaration prior to the date of the hearing, the Judge may still find that a stay of the eviction proceedings is warranted. Please know that we will advocate for you to the best of our abilities with an understanding of the particular Judge we are appearing in front of.