

# Court Orders



The Goal of All Legal Proceedings

## Tipping the Justice Scale

Everything you do!

Planning, pleadings, discovery, motions, hearings, trial and (if necessary) appeals ... *must get Orders*.

You need Orders to tilt the balance in your favor!

Nothing else matters!

If you cannot get Court Orders, you cannot win.

Understanding Orders and what Orders must say, is more important than anything else you learn in this course.

Every pleading must seek an Order.

Every motion must seek an Order.

Every hearing must seek an Order.

Every trial must seek an Order.

Every appeal, if appeal is necessary, must seek an Order.

And all those Orders must say certain things.

If they aren't done right, you lose.

This essential class makes Orders easy to understand.

Sample forms included.

## What is a Court Order

Court Orders are the Power of the Court!

As you've been taught in school, governments (in most nations) are divided into three power branches: Executive, Legislative, and Judicial.

Many people fail to realize the only branch that has power over the other two is the Judicial branch ... the courts.

Courts create common law when they enter Orders on the record.

For example, take the familiar Miranda v. Arizona, 384 U.S. 436 (1966). This is an Order of the United States Supreme Court decided in 1966 that created the common law right to remain silent and be *warned*, "Anything you say can and will be used against you in a court of law," if you are arrested. The law comes from the Court, not the legislature. The Order creates the Law.

Most cases, of course, don't go to the Supreme Court, but even small-town cases result in Court Orders, and those Order become Law ... at least for the parties involved in the case.

Court Orders command that certain things be done OR that certain things stop being done.

Most result in a command that one party owes another a certain sum of money.

Some result in a command that one party do something that party does not wish to do.

Others result in a command that one party stop doing something that party wishes to continue to do.

All must be obeyed ... if the prevailing party does what this course teaches and obtains orders according to what this class explains.

Court Orders are *not optional!*

If a Court Order is not obeyed, the disobedient party can be thrown in jail until he or she decides to obey; the jail term continues until ordered party decides to obey.

This is the power of the courts.

**This is YOUR POWER when you know how to use it!**

## **Why are Court Orders Important?**

If you cannot get a favorable Court Order, you lose!

It's that simple.

Court Orders decide whose claims become "rights".

Claims are claims. They do nothing.

You can claim you own the Brooklyn Bridge.

You can claim you have the right to yell "Fire!" in a crowded theatre.

You can claim you have a right to be provided with a new automobile every year without paying for it.

You can "claim" anything at all.

However claims are not rights, and rights are worthless if they cannot be enforced by Court Orders.

We all have "rights", but until they are enforced they are just ideas.

Rights are made *enforceable* by Court Orders ... nothing else!

Absolutely nothing else.

You can complain about your rights being violated until the cows come home, but until a judge signs an Order *enforcing* your rights, your complaints gain you nothing whatever.

"Having rights" is one thing.

Having rights "enforced" is quite another.

Merely "claiming" that you have rights is a waste of breath.

Wise people know how to get courts to "enforce" their rights.

Without Court Orders, Liberty and Freedom are empty concepts.

Sure, we all enjoy Liberty and Freedom ... *so long as nobody does us harm and we are not charged with a crime.*

Life is good until disaster strikes as a lawsuit or criminal charge.

Then where is Liberty and Freedom without a favorable Court Order?

It doesn't exist.

Without a favorable Court Order you become a victim.

Your rights disappear.

Ask anyone in jail or prison.

Ask anyone who's lost their home, their children, or their life savings because they couldn't get a favorable Court Order.

As this class is being written for you, more than 4 out of 5 people cannot afford to hire a lawyer when they are sued or charged with a crime. They desperately need a judge to sign an Order securing their rights and restoring their Liberty and Freedom. If they cannot hire a competent lawyer, or don't know what this course teaches, their "rights" evaporate when some judges signs an Order against them!

When good people get favorable Court Orders, the world becomes a little bit better for all of us.

When good people suffer at the hands of unscrupulous lawyers employed by the rich and powerful to trample upon their rights, we all suffer.

That's why Court Orders are important.

## **What Does a Court Order Do?**

Court Orders are commands.

If an Order is not obeyed, another Order can command law enforcement to force obedience, either by seizing property or locking people behind bars until they obey. Here is an example.

**IN THE THIRTIETH JUDICIAL CIRCUIT COURT  
IN AND FOR SUNSHINE COUNTY, FLORIDA**

Case No. 2012-123  
Judge Benchpounder

PETER PLAINTIFF,  
Plaintiff,

v.

DANNY DEFENDANT,  
Defendant.

\_\_\_\_\_ /

**ORDER**

TO ALL AND SEVERAL the Sheriffs of Sunshine County, Florida:

You are hereby commanded to locate and take into custody Angry Andy of 792 Front Street, Our Town, Florida and return confirmation of same to this Court forthwith.

DONE AND ORDERED this \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Hon. Barry Benchpounder, Circuit Judge

This Order will be obeyed by the Sheriff.

Orders may be as simple as this or comprise several pages describing individuals, property, evidence obtained by the court, special circumstances, *almost anything*.

They all are commands ... *if they are properly written*.

## **Who Writes Court Orders?**

Orders are frequently written by a judge or a judicial staff member.

Most judges take notes during hearings or at trial, and in most cases their orders are complete and correct; but that is not always the case. Sometimes an order does not comply with what was actually said at a hearing or trial.

In a criminal case, a party that disagrees with what an Order says will likely be required to file an appeal promptly to avoid an unwanted and disagreeable outcome. A criminally accused cannot write orders.

In a civil case a party that disagrees with what an Order says may file a Motion for Rehearing or Motion to Reconsider to correct what the order says. If such a motion is denied, the unhappy party may be required to file an appeal (covered in another class in this course).

The preferred procedure in civil cases is to *offer to write the order*. This will result in a fight, of course, because your opposing party will also wish to write the order.

In my 36 years of legal practice this has been the cause of problems that can require quite a bit of back-and-forth haggling, so the following is recommended.

#1 ... At the conclusion of any proceeding that result in the judge's making a decision, ask, "If it please the Court, is your final Order that the defendant shall within 10 days provide plaintiff with copies of his phone records for the year 2020?"

As emphasized throughout this course, *you will always have a court reporter or assurance that an electronic recording of everything said will be available to you along with the ability to have a certified transcript*. Failure to do this undermines everything you attempt, because the judge will know you cannot appeal if you have no transcript.

After asking the judge to confirm what you understand the judge's decision to be, offer to write the order. Expect your opponent to object. Remind the judge that the court stenographer has accurately recorded what the judge just confirmed and that you will accurately and honestly provide the written Order as it stands, without adding or subtracting anything.

Here is a sample order.

**IN THE THIRTIETH JUDICIAL CIRCUIT COURT  
IN AND FOR SUNSHINE COUNTY, FLORIDA**

Case No. 2012-123  
Judge Benchpounder

PETER PLAINTIFF,  
Plaintiff,

v.

DANNY DEFENDANT,  
Defendant.

\_\_\_\_\_ /

**ORDER TO PRODUCE**

THIS CAUSE having come before the Court upon the motion of Defendant Danny Defendant for an Order requiring Plaintiff to produce documents, and the Court having heard argument of the parties and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that

1. Defendant's motion is granted.
2. Plaintiff is directed to produce copies of plaintiff's bank records for the entire year of 2020, including but not limited to all records of deposits, withdrawals, checks, and correspondence between plaintiff and plaintiff's bank.

3. Plaintiff is hereby directed to comply within 10 days from entry hereof.

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_ 2021.

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Hon. Barry Benchpounder, Circuit Judge

Copies to:

Peter Plaintiff, 9 Happiness Lane, Anywhere, Florida 33333

Danny Defendant, 99 Innocence Avenue, Anywhere, Florida 33333

[ envelopes provided ]

If you are *pro se* acting without a lawyer, you may have a difficult time if the other side has hired an attorney, since attorneys *are supposed to be honest in their dealing with judges* (but certainly are not in every case). If your opponent is also *pro se*, there should be no valid reason for the judge to deny you, since you are the one who requested the court to confirm what the Order needs to say.

If your opponent ends up being directed to write the Order, move the court to require your opponent to provide you a copy of the proposed order at least 3 days prior to the judge's signing it ... because the proposed order may not say what the judge confirmed. Yes, this does happen.

## Must Court Orders be Obeyed?

That's really a silly question.

Anyone can disobey.

And such persons may get away with it ... if their feet are not held to the fire by parties who know what this course teaches.

A typical judge may sign dozens of orders in a single day! The judge does not check with the clerk every day to see which orders were obeyed and which had noses thumbed at them. Unless a judge takes a particular interest in a case and checks his files to see if a particular order was obeyed, nothing will be done if the order is ignored.

Unless ...

It can be up to you to make certain court orders in your favor are obeyed. How to do this is covered in the class on Show Cause Proceedings.

1. Motion to Show Cause
2. Hearing on the Motion to Show Cause
3. Entry of an Order Granting the Motion to Show Cause and re-ordering the delinquent party to obey.
4. Failure of the delinquent party to obey the second order.
5. Motion for an Order of Contempt
6. Hearing on the Motion for an Order of Contempt
7. Entry of an Order Granting the Motion for Order of Contempt

8. Arrest Order commanding the Sheriff to take the delinquent party into custody until such time as the Court's several orders are obeyed.

**This is YOUR power when you know what this course explains!**

## **What is "Entry" of an Order?**

In most jurisdictions this is an important point to remember.

A judge's merely "signing" an order does not make the order fully effective.

Orders need to be filed with the court clerk, i.e., be officially "entered" in the court record, before being fully effective.

An order cannot be appealed until it is entered in the court record.

This may not often become an issue in your case, but it is worth remembering.

## **What is a "Certified" Order?**

I was hired to protect two little boys from their father who was believed to have murdered their mother. He was said to be mistreating them by withholding medical treatment and requiring them to eat out of dumpsters.

I obtained an Order from the Chief Judge granting full custody of the boys to their grandfather, a respected member of the community.

I took the freshly signed order to the Clerk's office for "entry" then obtained several "certified copies" of the Order.

- One for the grandfather
- One for each of the two boys to keep with them at all times
- One for the boys' school so there could be no disputes

Those "certified copies" are as effective as the original, commanding all who have notice of them that the Court has ruled and penalties await those who disobey or ignore such Orders.

When an Order is entered in your favor in a case, it may sometimes be a good idea to apply to the Clerk for at least one "certified copy" to retain in your files, and another to be "re-recorded" in the property clerk's office (if the Order is a Judgment declaring that you are owed money).

## **What is a "Re-Recorded" Order?**

A re-recorded Order creates a lien on the property of a judgment debtor.

It will remain effective as a lien until a set number of years (depends on the law of your state), after which it may be renewed for another number of years (depending on the law of your state).

So long as the re-recorded Order remains on the books, any attempt by the judgment debtor to sell property will result in a search of the Public Records and turn up the Judgment that must be satisfied before the judgement debtor's property can be conveyed to a buyer with a clear deed.

If you obtain a Judgment against an opponent in court, be sure to have a "certified copy" re-recorded with the property clerk to secure your rights as judgment creditor.

## **When Can You Lien your Opponent's Property?**

Clearly, you cannot lien your opponent's property without an Order. (Exceptions include mechanic's liens, liens resulting from work done on your property by a contractor who provided you notice of his asserting a lien until his bill is paid in full, and such like liens.)

Otherwise, without due process and a court order, no lien can be imposed on your property or the property of another.

Many people mistakenly believe they can "lien" someone's property simply by claiming that person owes them money. This can only get you into trouble. Filing a lien *without* legal basis is a crime in some states and can result in severe penalties.

Once a judge signs and enters an Order adjudging someone to owe you money, and you obtain and file a certified copy with the property clerk, you have perfected your lien and can move forward on it.

## **When Can the Sheriff Seize Your Opponent's Property?**

The technical term for this is "execution" which, technically, is a writ, i.e., an Order from the court giving the Sheriff (or Federal Marshals, if a federal case) authority to take possession of a judgment debtor's property for the benefit of the judgment creditor.

A proper Order for this should include the words, "... for which let execution issue".

## **When Can You Send Your Opponent to Jail?**

This is explained in this class above.

Just remember to follow the proper procedures and, to save time and avoid unnecessary work, try to negotiate for the result you wish before jumping through all the hoops that are required to actually jail someone for disobeying a court order.

Never threaten anyone with jail time. That can get YOU in jail.

If negotiation fails, follow the procedures to obtain an order finding the rebellious order ignorer in contempt of court.

# How do You Preserve Your Rights?

As you will learn throughout this course, preserving your rights is always a matter of making a *written record* in the court file.

Nothing else matters.

Only what's in the court file has power to get you what you wish.

It's that simple.

## Conclusion

You have power!

Very few people in this world come even close to realizing how much power they have. As a consequence too many lose their freedoms, their property, their children, and even their lives ... all because they do not understand what this course makes so easy to understand and use.

Court Orders are your Power to get Justice.

And Justice is the essential ingredient to enjoy Freedom and Liberty.

Keep learning, friend.