

HONORABLE THANE COVERT
JUDICIAL ASSISTANT VALERIE HAMMOND
315 COURT STREET, ROOM 413
CLEARWATER, FL 33756
727-453-3127
Section 21@jud6.org
Effective 4/1/19

**Judicial Practice Preferences
Circuit Civil Section 21**

IF YOU DO NOT HAVE A LAWYER: The Judicial Assistant CANNOT answer your legal questions, and will not explain your situation to the Judge. Your opportunity to speak to the Judge happens in Court only. The Clerk of Court has a Self Help Program for self-represented litigants on the first floor in the courthouse at 315 Court Street, Clearwater, FL 33756. Gulfcoast Legal Services can be reached at (727)443-0657 in Clearwater and (727)821-0726 in St. Petersburg. Bay Area Legal Services is available at (800)625-2257. Community Law Program in St. Petersburg can be reached at (727)582-7480. Lawyer referral services can be contacted through the Clearwater Bar Association at (727)461-4880 and the St. Petersburg Bar Associations at (727)821-5450.

It is expected that all parties and attorneys will adhere to ADMINISTRATIVE ORDER NO. 2015-052 PA/PI-CIR RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT.

TO SCHEDULE HEARINGS:

Most hearing time can be requested through JAWS and is the preferred method. ***See JAWS section***

If you do not have access to JAWS, you can send a hearing request to section21@jud6.org. Please put the case number and the style of the case in the subject line.

In the body of the email please include:

- Motions to be heard
- Amount of time requesting
- Names of the Parties and their attorneys. Please include the name of the attorney that will be appearing at the hearing.

*After you have cleared a date with opposing counsel, please send an email to section21@jud6.org to confirm date to be set on our calendar. **DO NOT** file/send a notice of hearing until you receive confirmation from our office confirming the date/time.

A motion will not be added to the calendar without approval of the Court. If a Cross Notice of Hearing is filed without the approval of the Court, the Judge may not hear the motion.

Notice of hearings should be sent via email to section21@jud6.org.

A hard copy of the motion is not needed by the Court. Please make sure that the motion is viewable on the docket 48 hours prior to the hearing. If you wish to send a hard copy you may do so or a copy can be given to the Judge at the time of the hearing. Any supporting documents can be provided to the Judge at the hearing or sent in ahead of time.

TELEPHONIC HEARINGS:

Telephonic hearings may be permitted for hearings that are thirty (30) minutes or less. **Prior approval from the Judge's office is necessary.** Telephonic appearance for evidentiary matters will generally NOT be considered. Hearings by telephone MUST be set forth in the notice of hearing. The Party filing the notice shall be responsible for arranging for each participant to be on the conference call **BEFORE** calling the Judge.

JAWS

Section 21 utilizes the JAWS system for scheduling most hearings and for submission of AGREED UPON Orders. Please make sure to read these instructions before requesting/submitting to JAWS.

Setting Hearings:

Hearings are to be requested by the moving party in JAWS. The website is https://jawspinellas.jud6.org/jaws_attorney/login.aspx. Please select the "Section 21 – Covert" calendar to request your hearing. A Uniform Motion Calendar (UMC) may be available to request hearings of 5 minutes or less directly online. Hearings of 15 or 30 minutes and 1-hour hearings may also be requested directly online. **PLEASE DO NOT SEND OUT A NOTICE OF HEARING UNTIL YOU RECEIVE A SECOND CONFIRMATION FROM JAWS THAT THE DATE/TIME REQUESTED HAS BEEN SCHEDULED.** If you have requested a hearing time via JAWS it is not necessary to send an email to confirm. You will receive a 2nd confirmation from the JAWS system confirming that the case has been scheduled or if the hearing has been rejected (cancelled). The reason for the rejection/cancellation will be listed.

All Counsel/Associated Parties it is the moving party's responsibility to confirm that all counsel/associated parties are in the JAWS data base to ensure all parties receive emails regarding the scheduling and cancellation of hearings. Failure to comply with this procedure can result in cancellation of your hearing. Attorneys only should be added as Associated Parties. Additional email addresses for notification may be added for staff under email address.

Cancelling Hearings:

Filing a Notice of Cancellation does not cancel a hearing with Judge Covert. Please send a notice of cancellation via email to section21@jud6.org to cancel any hearings whether set through JAWS or email.

Orders:

AGREED upon proposed orders may now be uploaded to JAWS for Judge Covert's electronic signature. You must also upload an explanatory cover letter* see #4 below. All documents are to be uploaded as PDF documents. The instructions for uploading orders are as follows:

- (1) JAWS submissions of proposed orders to the court should consist of two uploads:
 - a. The cover letter, motion, or stipulation (plus exhibits) should be uploaded in the Include Cover Letter section as one pdf file.
 - b. The order or judgment to be reviewed and signed, and nothing else, goes in the Document Title section. Title the document and then upload the order in the “browse” section.

- (2) It should never be necessary to make a duplicate upload. These create many problems. *If there is a problem with uploading, contact the JAWS Help Desk, 727-453-4357.*

- (3) Do not submit proposed orders through JAWS in advance of a scheduled hearing unless specifically requested by the judge.

- (4) Cover letter requirements:
 - a. Your cover letter should include express confirmation by a member of the Florida Bar that the proposed order has been shared with all other non-defaulted parties, and that they have no objection as to its form or that they have failed to respond in a reasonable time with any specific objections. (If there **is** an objection, submit the order via mail with an explanatory cover letter.)
 - b. If your order is based on the judge's ruling after a hearing, state that fact, including the date of the hearing.

Electronically conformed copies will only be provided to the email addresses which have been associated to the case in JAWS. It is the responsibility of the party uploading a proposed order to confirm all email addresses have been added to JAWS including any Pro Se parties. The JA and the clerk DO NOT maintain the associated party data base.

***Orders** may also be submitted via US mail with cover letter, copies for conforming, and self-addressed stamped envelopes, or by email in PDF and Word Format at the Section21@jud6.org email. A Cover Letter is still required.

FORECLOSURES:

Administrative Order 2019-004 is the most recent order on Mortgage Foreclosure Procedures for the 6th Circuit. Please review it carefully. Pretrial non-evidentiary motions will be subject to review and ruling by a judge based only upon the motion along with written argument and any authority timely filed in the action, unless the Court desires a hearing, whereupon Counsel or any Pro-Se party will be notified.

To cancel a Foreclosure Sale:

When a Motion to Cancel Sale is filed by the Plaintiff, this does not require a hearing (MUST comply with Administrative Order 19-004). Please submit the following to our office via US Mail or hand delivery:

Copy of the Motion

Proposed Order

Postage – Paid, addressed envelopes for all parties on service list.

SCHEDULING NON-JURY FORECLOSURE TRIAL

Once Notice for Non-Jury Trial has been e-filed, please submit the following via **US Mail**:

1. Copy of the Notice for Non-Jury Trial (including the amount of time requested)
2. Copy of Certificate of Compliance Verifying Readiness for Foreclosure Non-Jury Trial (see attached – **NO OTHER FORM WILL BE ACCEPTED**)
3. Order Scheduling Non-Jury Trial (see attached – **NO OTHER FORM WILL BE ACCEPTED** with the dated and time left blank, along with sufficient copies to provide one for each party on the service list, as well as stamped, addressed envelopes.

Once the proposed order is received, the NJT will be set for the next available date. Be sure to list the amount of time anticipated for NJT. If you have more than one case and the time requested is less than 15 minutes we may schedule up to 3 cases at the same time.

UNIFORM MOTION CALENDAR:

1. A Uniform Motion Calendar is established for Section 21 as calendar time permits, on non-jury trial weeks, unless holidays, vacations, or other circumstances prevent such hearings. Hearing dates can be obtained/requested through JAWS (see above) or by emailing section21@jud6.org.
2. Hearings are held in the Judge's Chamber's in Room 413 and are limited to a total of five (5) minutes per case. Telephone hearings are permitted [727-453-3127] but must be pre-approved by the judicial assistant.
3. Counsel setting the hearing shall notice opposing counsel in accordance with the applicable rules of procedure. A copy of the notice of hearing shall be forwarded to the Judge's office via regular mail, or email. Cancellation of UMC hearings **REQUIRES** notification to the Court.
4. Hearings will be conducted in the order in which they were scheduled with the court. If a party chooses to wait for his/her adversary, the case will be moved to the end of the docket.
5. Non-routine evidentiary matters shall **NOT** be heard on the Uniform Motion Calendar. Contempt matters will **NOT** be heard on this calendar. Case Management Conference will **NOT** be heard on this calendar.
6. Ensure in the appropriate motion that counsel for the moving party certifies in the motion that a good faith effort has been made to contact opposing counsel to resolve by agreement the issues raised.

7. The Judge will require counsel to reschedule any matter that the Court considers too complex to handle on the Uniform Motion Calendar.

E-PORTAL FILINGS:

Documents filed through the e-portal are NOT provided to the Judge's office. If you want the Judge's office to receive it, you MUST SEND IT DIRECTLY TO THE JUDGE by regular mail.

MOTIONS: All motions (including emergency and expedited) must be filed **prior** to requesting hearing times.

NON-EVIDENTIARY MOTIONS:

The Court fully implements Administrative Order 2015-056 which permits the court to rule on non-evidentiary motions without oral argument. Strict compliance with the time limit in this AO is expected. Proposed Orders should be provided to the Court. The Court will notify counsel if it desires oral argument after review of the motion and response.

EMERGENCY HEARINGS:

Motions are to be submitted to the Court for determination of emergency status via US Mail, courier, or hand delivery. Emergency motions WILL NOT be accepted via email. If the motion is granted, a hearing will be set at a date and time the Court dictates. Opposing counsel/party is to be provided with the Motion in the same manner as the Court, unless a reason for no notice is properly pled.

If the Judge is unavailable, the Motion will be reviewed by the Emergency/Duty judge regardless of whether or not the duty judge is assigned to a civil section.

MOTIONS FOR REHEARING AND/OR RECONSIDERATION:

Please submit a copy of the motion to the judge's office for review and entry of an order. If the Judge determines a hearing is required, your office will be contacted.

DEPOSITION DISPUTES:

If extremely critical, attempt an immediate telephone hearing. Otherwise, certify the question and set a hearing.

DISCOVERY CUT-OFF:

Generally discovery cut off is at pretrial, unless circumstances require an alternate period. This may be handled on a case by case basis or by stipulation of the parties with Judge's approval.

PRE-TRIAL STATEMENTS:

Utilize the uniform pretrial statement form. Attorney attending pretrial will be the attorney who will attend the trial. No motions will be heard at the pretrial conference without leave of the court.

MOTIONS IN LIMINE: Motions must be heard before trial at a scheduled hearing. Motions in limine must be related to the issues in the case being tried and not generic in nature.

IF CASE SETTLES:

Immediately call the Judge's office to cancel any hearings or trials that may have been scheduled.

SUBSTITUTION OF COUNSEL:

Rule of Judicial Administration 2.50(e)(2) REQUIRES that all substitutions of counsel contain the written consent of the CLIENT.

CONTINUANCES:

Motions must be signed by the CLIENT. Stipulations to continue a trial **must** be set for hearing.

ENSURING PROPER NOTICE:

Ensure proper notice is sent to all parties. Even with defaults, ensure all parties are copied on everything. NOTICE, NOTICE, NOTICE, and opportunity to be heard are KEY concerns for every Judge.

MOTIONS TO COMPEL:

1. Without hearing: ADMINISTRATIVE ORDER 2017-072 PA/PI-CIR – An ex parte order may be entered requiring compliance with the original discovery demand within ten days when a motion alleges a complete failure to respond or object, and no request for extension. No sanctions will be awarded ex parte. **(Use form of order provided by the above AO).**
2. With hearing: per Sixth Judicial Circuit Local Rule 5(c). Motions shall quote in full each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed, and the objection and grounds therefore as stated by the opposing party.
3. With or without hearing: All motions must comply with Local Rule 5(c) and FL R Civ P.1.380(a)(2) . Any motion not conforming to this rule will be returned to the moving party.

TRIAL SCHEDULING

MEDIATION:

Mediation is required except in some unique cases Trials (jury or non-jury) will normally NOT be held unless mediation is completed. A case management conference may be set to discuss trial and mediation dates. The case must mediate within **one year** of the trial.

CONTINUING OR CANCELLING TRIALS:

Once a trial is set by the Court, the parties may not agree to cancel or continue a Trial without prior Court approval. In the event the parties wish to cancel or continue a Trial they must notify the Court immediately and schedule a hearing.

NON-JURY TRIALS:

Non-jury trials in excess of one hour should be set for a Case Management Conference to discuss scheduling. Counsel may appear by phone if cleared to do so by the Judicial Assistant.

JURY TRIALS:

In most cases a Case Management Conference is required to set a jury trial. Approximately 15 jury trials are set each trial week. The Court generally tries the oldest cases first. When filing your

motion for jury or non-jury trial, please submit a courtesy copy of your motion to the Judge's office. All juries are selected on the first day of the trial week. The Court may try 2 or 3 trials in one week.

VOIR DIRE:

Attorneys will inquire of the entire jury panel seated in the gallery. A seating chart with jurors' names will be provided. The court will initiate voir dire questions and then counsel will follow with their inquiry. The time limit for voir dire will be set at the pre-trial conference.

PEREMPTORY CHALLENGES:

Generally 3 per party with total of plaintiff to match total of defense.

RESPONSE FROM COUNSEL WHEN BAILIFF BRINGS JURY IN: Please remain seated unless instructed otherwise by the bailiff or the Court.

COURTROOM TRIALS:

Time limits for openings and closings will be set at the Pretrial.

Request permission for the following:

To approach the bench.

No permission is necessary to approach the clerk or a witness with or for a document.

MARKING EVIDENCE TO BE USED AT TRIAL:

Exchange evidence prior to trial. All evidence is to be pre-marked in advance of its intended use by counsel. The clerk will mark exhibits as they are received into evidence. Counsel should not waste trial time looking at evidence for the first time.

SHOWING TANGIBLE EVIDENCE TO THE COURT:

After showing the exhibit to opposing counsel it may be shown to a witness without first showing it to the Judge, unless the Judge specifically requests to see the exhibit.

EXPERT WITNESS:

Except in ruling on an objection, the Court should not, in the presence of the jury, declare that a witness is qualified as an expert or qualified to render an expert opinion, and counsel should not ask the Court to do so. A judicial ruling that a proffered expert is "qualified" prior to the time that counsel has posed a precise question eliciting expert testimony is premature and, unless an objection is interposed, unnecessary. Experts should be prepared at trial to answer questions regarding the number of hours they have spent working on the case and the hourly rate charged as of the date of trial. Attorney calling the expert is responsible to relay this requirement to the expert.

COURTROOM DEMEANOR COMMENTS:

ADMINISTRATIVE ORDER NO. PA/PI-CIR-2015-052: this AO contains the STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT which will be strictly enforced. No speaking objections. All argument is to be directed to the Court. Examine witnesses from the podium. Do not argue after the Court rules.

CASE LAW:

Paper copies of case law and other legal authority are welcomed by the Court. Pertinent portions may be highlighted. Copies provided to the Court (including any highlighting) shall be provided to opposing counsel before the start of the hearing

ATTORNEY FEES:

The issue of entitlement may be tried in the main action or at a subsequent hearing. Issues regarding the amount of attorney fees shall be left for a subsequent hearing. Fee affidavits are sufficient in lieu of expert testimony if all parties agree to their use. Parties can usually expect an additional referral to mediation post-trial regarding attorney's fees & costs.

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