

HONORABLE DAVID R. ELLIS
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**JUDICIAL PRACTICE PREFERENCES FOR
CIRCUIT FAMILY, JUDGE DAVID R. ELLIS**

Sections: C1, L, M1, EZ

- **UNIFORM MOTION CALENDAR – FOR SHORT UNCONTESTED MATTERS, 10 MINUTES OR LESS - EVERY FRIDAY 9:00 AM – 10:00 AM. EMAIL AMANDA AT CRFAME2@JUD6.ORG TO SET.**
- **ORDERS MUST BE SUBMITTED VIA MAIL OR HAND DELIVERY WITH SUFFICIENT CONFORMING COPIES AND PRE-ADDRESSED, STAMPED ENVELOPES (We are currently unable to accept Orders through JAWS)**
- **ALL HEARINGS ARE SCHEDULED BY EMAILING JUDGE ELLIS' JUDICIAL ASSISTANT AMANDA AT CRFAME2@JUD6.ORG**
- **FILING OF FINANCIAL AFFIDAVITS MAY NOT BE WAIVED, EVEN IF MANDATORY DISCLOSURE IS WAIVED, PER F.F.R.P. 12.285 (a) (1).**
- **CHILDSUPPORT GUIDELINES MUST BE FILED IN ALL CASES WITH MINOR CHILDREN.**

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.

Bay Area Legal Services' contact information is as follows:

Bay Area Legal Services
14950 U.S. Hwy. 301
Dade City, Florida 33525
(352) 567-9044

Many Family Law forms and helpful information can be found at <http://www.jud6.org/GeneralPublic/RepresentingYourselfInCourt.html>

It is expected that all parties and attorneys will adhere to ADMINISTRATIVE ORDER NO. 2013-075 PA/PI-CIR RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT.

Attorneys are expected to read and follow the Florida Bar Family Section “Bounds of Advocacy” that can be found at www.familylawfla.org.

REQUESTING HEARING TIMES: The preferred form of communication for setting and cancelling hearings is by e-mail to crfame2@jud6.org. *The following should be included in the email:* case number, type of motion, length of hearing, and who you represent.

COMMUNICATION WITH THIS OFFICE: The preferred method of communicating with this office is by email at crfame2@jud6.org.

FAX/E-MAIL POLICY: *The Court requires all materials over ten (10) pages to be mailed or hand delivered. DO NOT fax or email without prior approval from the Court.*

PROPOSED ORDERS: Proposed Orders should be submitted via mail, hand delivery and disputed orders may be submitted via email in *WORD* format along with a cover letter at crfame2@jud6.org. Self-Addressed stamped envelopes are required for the return of signed orders, they will not be e-mailed back.

- Orders should be typed in the promulgated **TIMES NEW ROMAN font, size 12.**
- The cover letter should state that opposing counsel/pro se party agrees or objects to the proposed Order or that opposing counsel/pro se party was given the opportunity to object to the proposed Order but did not (As provided by the Standards of Professional Courtesy for the Sixth Judicial Circuit).
- The cover letter must show all opposing parties are copied with same. If the Order is the result of a particular hearing, reference the hearing date in the Order and cover letter.

- If there are disagreements/objections over a proposed Order, the parties must attempt to work them out before requiring further Court intervention. If the disagreements as to the form of the Order cannot be worked out, each side should submit a proposed Order with an extra copy highlighting the parts which are in disagreement together with a cover letter.
- The Court DOES NOT hold Orders pending objections.
- DO NOT call the Court or send only a letter to object. Send a proposed Order.
- Proposed Orders/judgments should NOT contain BLANKS FOR THE JUDGE TO FILL IN OTHER THAN THE DATE THE JUDGE SIGNS. PROPOSED ORDERS/JUDGMENTS CONTAINING BLANKS WILL NOT BE SIGNED.
- The Judge will change any language or amounts in the Order/Judgment he does not find appropriate.
- The moving party shall bring a proposed Order to the hearing when appropriate together with pre-addressed, stamped envelopes. The non-moving party may provide a proposed Order as well.
- DO NOT send unsigned proposed Orders to the Clerk of Court.
- Proposed Orders/judgments should not be submitted to the Court that contain only 1) “DONE AND ORDERED...” and/or 2) the Judge’s signature on the last page. Some part of the body of the Order shall accompany the Judge’s signature block.
- Sufficient copies and stamped, pre-addressed business size envelopes must be submitted for each party *IF* the Order is submitted by regular mail. DO NOT staple envelopes to Orders. **Orders with insufficient copies and/or stamped, pre-addressed business size envelopes may not be served.**

SETTING HEARING TIMES: Motions must be e-filed with the Clerk of the Court and sent to opposing counsel/self-represented party prior to scheduling a hearing. Contact the Judicial Assistant at crfame2@jud6.org for available times. All hearings must be coordinated with opposing counsel. Hearing times are not reserved and *the*

calendar fills quickly. Please wait for the Judicial Assistant's confirmation reply before sending out Notice of Hearing.

Motions requiring a hearing time of two (2) hours or more require a short case management conference or telephone conference with the Judge.

NOTICE OF HEARING: The party setting a hearing is responsible for also sending a sufficient Notice of Hearing to all parties or their attorneys. Even with defaults, ensure all parties are copied all the time with everything. If a hearing is not properly noticed, the matter will not be heard. NOTICE and opportunity to be heard are KEY concerns for the Judge. Cross-Noticing on another attorney's time is strictly prohibited. **IMPORTANT:** Do not add a hearing or cross-notice a hearing without approval from moving counsel and the Court. Any motion added or cross-noticed without approval will not be heard. Please provide a courtesy copy of the notice of hearing by email to crfame2@jud6.org. Copies of Motions are not necessary as they are viewable online (unless instructed otherwise).

SUBMITTING CASE LAW TO THE COURT: Any case law you feel the Judge should review for a hearing must be mailed prior to the hearing or brought to the hearing. Do not send by email.

UNIFORM MOTION CALENDARS ("UMC"): Hearings on uncontested matters not anticipated taking more than 10 minutes (Uncontested Final Hearings, Motions to Withdraw, etc.) may be set on these calendars. Motions to Compel may not be set on a UMC calendar. The UMC calendar is currently every Friday from 9:00 a.m. till 10:00 a.m.

MEDIATION: Pursuant to Administrative Order 2006-062 PI-CIR all initial hearings on temporary relief matters in original petitions shall be automatically referred to mediation prior to a hearing on the matter. In addition, all post-judgment matters shall be automatically referred to mediation prior to a hearing. Once mediation is scheduled, a hearing may be set on the Court's calendar to occur after the mediation.

REQUIRED PARENTING CLAS: Per Administrative Order in the Sixth Judicial Circuit, all parents of minor children are required to take an in-person four (4) hour parenting class and file a Certificate of Completion with the Court. Online parenting classes are NOT acceptable. Only in special circumstances will an online parenting call be allowed after the filing of a Motion and good cause shown.

TEMPORARY MOTIONS HEARING REQUEST: See Administrative Order 2011-006 PA/PI-CIR. ALL temporary motions (i.e. custody, visitation, support, etc.) must be mediated prior to a hearing being held. Hearing time on the court's calendar on temporary matters will not be reserved until mediation has been scheduled. Temp hearings should not exceed one (1) hour except under extraordinary circumstances. To expedite temporary relief hearings, proffers are strongly encouraged. True emergencies (see Emergency Motions) are an exception.

SETTING PRE-TRIAL CONFERENCES AND TRIALS: In most cases, a Case Management Conference is necessary to set a Pre-trial Conference and Trial. Contact the Judicial Assistant (Amanda at crfame2@jud6.org) to request hearing time for a Case Management Conference. No motions will be heard at the Case Management Conference without prior approval of the Court. The attorney conducting the trial must attend the pre-trial conference in person, not by telephone. The parties must also attend the pre-trial conference. It is assumed at a pre-trial conference that the case is ready to be tried, there are no pending motions, and discovery is completed. The trial will be scheduled at the pre-trial conference. Attorneys must bring their calendars to pre-trial conference.

Should a pre-trial need to be reset, both parties must be in agreement in order to get a reset date without a hearing. Otherwise, a Motion to Continue Pre-Trial should be filed and set for hearing.

EVIDENCE TO BE USED AT EVIDENTIARY HEARING OR TRIAL: ALL evidence is to be copied and exchanged five (5) working days prior to trial OR prior to evidentiary hearing unless otherwise specified by the Court or the attorneys/pro se parties stipulate otherwise. **ALL evidence** is to be pre-marked in advance of its intended use by counsel. The court will mark exhibits as received into evidence. **ALL sensitive information MUST be redacted prior to hearing and submission to the Clerk.**

EMERGENCY AND EXPEDITED MOTIONS: All Emergency and expedited Motions must be filed with the Clerk of Court prior to the Court determining emergency or expedited status. After review, the court may: 1) enter the Order without notice; 2) allow a hearing to be set; 3) seek a written response from the opposing party; 4) or take other appropriate action. **IMPORTANT:** *The Court will accept witness affidavit(s) one day prior to hearing and/or hear proffered testimony only to determine if a full hearing is needed.*

FINAL HEARINGS: A Verified Checklist for Dissolution of Marriage must be filed and viewable online BEFORE scheduling a final hearing. This form may be found [here](#).

CANCELLATION OF HEARINGS: Do not cancel a hearing without notification and agreement of all parties. A Notice of Cancellation must be immediately e-filed with the Clerk of Court AND a courtesy copy of said Notice of Cancellation (with the word “CANCELLATION” only in the subject line) e-mailed to crfame2@jud6.org.

TELEPHONIC HEARINGS: Telephonic hearings may be allowed under certain circumstances, as per Rule of Judicial Administration 2.530. Telephonic hearings must be set forth in the Notice of Hearing. Short, simple, non-evidentiary hearings may always be telephonic.

TESTIMONY FROM CHILDREN: Testimony from children is NOT permitted unless the Court grants permission after a hearing on a *Motion to Allow Child Testimony*. The Court will not automatically honor stipulations for a child to testify in Court. DO NOT bring children to contested hearings without prior Court approval. Testimony of children’s counselors, therapists, and psychologists are not allowed without the prior waiver of psychotherapist-patient privilege by a Court appointed Attorney-Ad-Litem. Parents may not waive the psychotherapist-patient privilege on behalf of their children.

ADOPTIONS/NAME CHANGES: Adoption files are reviewed by the Court’s Staff Attorney prior to any final hearing being scheduled. If you believe your case is ready to be set for final hearing, e-mail crfame2@jud6.org with the case number so that we may obtain the Court file. You will be notified by the Staff Attorney if additional documentation is needed; or, you will be notified by e-mail with dates for a final hearing.

MATTERS NOT REQUIRING A HEARING: A matter that does not require a hearing may be submitted by mail if all parties are in agreement or a stipulation has been signed. The Court requires that all mail contain a cover letter stating that opposing counsel/pro se party has reviewed the proposed Order and does not object. If no cover letter is provided indicating approval by the opposing side, the Court may take no action.

Some matters that do not require a hearing are as follows:

- Appointment of Special Process Server

- Stipulated Modifications
- Stipulated/Agreed Orders
- Motions for Substitution of Counsel – see below
- Motions to Withdraw (with signed consent from client)-see below

MOTIONS TO COMPEL WITHOUT HEARING: When a Motion to Compel alleges a complete failure to respond or object to discovery, and there has been no request for an extension, an ex parte Order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the Order. The moving party shall submit the proposed Order, along with appropriate Orders and envelopes. NO sanctions will be awarded without a hearing.

SUBSTITUTION OF COUNSEL: Rule of Judicial Administration 2.505e(2) requires the client's WRITTEN consent. Submit the stipulation, consent and proposed Order with sufficient copies and self-addressed stamped business size envelopes directly to the Judge's office. Proposed **Orders approving stipulations for substitution of counsel without the written consent of the client will not be signed.**

WITHDRAWAL OF COUNSEL: The Court may consider Motions to Withdraw as Counsel, without requiring a hearing, **so long as the Motion complies with the requirements of Rule of Judicial Administration 2.505, including the written consent of the client, as well as the opposing party's non-objection thereto** *unless the motion is filed after the pre-trial*. The proposed Order MUST contain in the body of the Order the complete contact information for the party (i.e. address, phone number, e-mail address, etc.). If you do not have the client's written consent, then the motion must be set for hearing with proper notice to the client.

ATTORNEY'S FEES: The Court usually reserves on the issues of both entitlement and amount. Prior to any attorney's fee hearing, the attorneys should exchange affidavits outlining the reasonable number of hours requested and the reasonable hourly fee. They should also make arrangements to meet prior to the hearing to discuss resolution and allow each other to talk with opposing experts. Fee affidavits are sufficient in lieu of expert testimony IF all parties agree to their use. All fee awards must meet the requirement of Florida Patients' Compensation Funds v. Rowe, 472 So.2d 1145 (Fla. 1985). Be prepared to have fee matters referred to mediation.

COURT REPORTERS: A digital court reporter is *only* provided by the Court for domestic violence hearings. For all other matters, parties may obtain a court reporter at their own expense.