

Practice Requirements

Judge Kemba Lewis-Division L, EZ, C1, and M1

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. You may wish to consult an attorney about your case. The following is a list of self-help resources:

-Bay Area Legal Services 1-800-625-2257

-Pasco Law Library, Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City, FL 33523

-Pasco Clerk of Court, 38053 Live Oak Avenue, Dade City, FL 33523

www.jug6.org/generalpublic/representingyourselfincourt

www.pascoclerk.com

www.flcourts.org

SETTING HEARING TIME: Motions must be filed with the Clerk of Court and sent to opposing counsel/self-represented party prior to scheduling a hearing. You may contact the Judge's Judicial Assistant at etousey@jud6.org or 352-521-4262 to obtain hearing dates and times. Hearing times are not reserved, and the calendars fill quickly. All hearings must be coordinated with opposing counsel. Once all parties have agreed upon a hearing date and time, you will need to email the Judicial Assistant to confirm. Your hearing will not be calendared until the Judicial Assistant has received confirmation that all parties have agreed to the selected date and time. Doing a Notice of Hearing is not confirmation that a hearing is set. You must receive confirmation from the JA that the hearing has been set.

After a hearing is set: If an attorney or self-represented party wishes to add, delete, or otherwise change the matters to be heard at a set hearing, the parties/attorneys involved and the Judicial Assistant must be notified and in agreement. **There will be no cross-noticing allowed unless it has been coordinated through the Judicial Assistant. If you do not coordinate with the Judicial Assistant the motion will not be heard.**

If the case settles, please call or email the Judicial Assistant to cancel any hearings or Trial that may be scheduled.

Cancellations: Only the party that set a hearing may cancel that hearing. If both parties have scheduled a hearing on the same date and time, all parties must agree to the cancellation. The Judicial Assistant must be notified by telephone or email in a timely manner and a Notice of Cancellation of Hearing should be filed with the Court with a courtesy copy sent to the Judicial Assistant.

UNIFORM MOTION CALENDAR: Hearings not anticipated to take more than 15 minutes, such as Uncontested Final Hearings, routine Motions to Compel, Motions for Default, Motions to Withdraw, etc., may be set in the uniform motion calendar. The uniform motion calendar is every Monday at 9:00. There will only be 25 slots available.*You will need to call the JA at 352-521-4262 to reserve a slot for the uniform motion calendar.*

ATTENDING HEARINGS BY PHONE: This may be allowed under certain circumstances. Refer to Judicial Administration Rule 2.530. No telephonic appearance are allowed on the UMC.

SETTING PRE-TRIAL CONFERENCE AND NON-JURY TRIALS: 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. Attorneys should bring their calendars to pre-trial in order to obtain a date for the Non-Jury Trial/Final Hearing. A standard Order Setting Pre-Trial Conference will be sent by the Judicial Assistant to the parties. Complete pre-trial memos must be filed and exchanged three (3) working days prior to the pre-trial.

TEMPORARY MOTION HEARING REQUEST: 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. Temporary Relief hearings should not exceed one hour except under extraordinary circumstances. **Three days prior to the hearing a Temporary Relief Hearing Memorandum must be filed by both parties and provided to opposing counsel/party. If the requesting party fails to file the Temporary Relief Hearing Memorandum Timely, the hearing shall be cancelled.**

TESTIMONY FROM CHILDREN: Testimony from children is not permitted unless the Court grants permission after a hearing on a Motion to Allow Child Testimony. Compliance with Family Law Rule 12.407 is required.

WITHDRAWAL OF COUNSEL: The Court will consider proposed orders for withdrawal of counsel if accompanied by stipulations for same signed by all the parties. Otherwise a motion and hearing will be required and the attorney asking to withdraw will need to appear in person.

MATTERS NOT REQUIRING A HEARING: A matter does not require a hearing and 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:

- Stipulated Modifications
- Stipulated/Agreed Orders
- Motions for Substitution of Counsel
- Motions to Withdraw (with signed consent from client)
- Final Judgements of Paternity (with all issues resolved by signed agreement)

PROPOSED ORDERS: The court does not hold orders pending objections. Proposed Orders shall be sent to the Judge's office with a cover letter, which includes the full names of the parties and case number, stating that opposing counsel agrees or objects to the Proposed Order. If the attorneys are unable to agree on wording in an Order, they should each submit their own Order to the Court with a cover letter explaining the objections. If possible, a transcript of the hearing should be sent along with the Order. Sufficient copies for conforming and pre-addressed, stamped envelopes must be provided. Proposed Orders should contain no blanks for the Judge to fill in other than the date. Proposed Orders should have numbered pages and "Done and Ordered" and the Judge's signature line should not be on a separate page. Some part of the body of the Order shall accompany the Judge's signature block.

ADOPTIONS AND NAME CHANGES: Adoption and name change files are reviewed by the Court's Staff Attorney prior to any Final Hearing being scheduled. You will be notified by the Staff Attorney if additional documentation is needed and your office will be notified when your case is ready to be set for a Final Hearing.

EMERGENCY HEARINGS: All Emergency Motions must be filed with the Clerk of Court for determination of emergency status. It is the responsibility of the party filing the Emergency Motion to contact the Clerk of Court to find out the outcome of the emergency filing.

GENERAL MAGISTRATE: The Judges office will utilize the Magistrates office to assist in the effective and timely disposition of cases as authorized by Rule 12.490, Florida Family Law Rules of Procedure. General Magistrates are Judicial Officers who assist the Circuit Judges by holding hearings and providing recommendations in the areas of family law, support enforcement, mental health, guardianship, substance abuse, and juvenile dependency. The Magistrate will prepare a report and recommendation after each hearing that the Judge will make final if no exceptions are filed within ten days of issuance of the report. **If your case is referred to the General Magistrate you will receive an Order of Referral in the mail. You will then receive a Notice of Hearing in the mail approximately two weeks later with your hearing date and time.**