

HONORABLE KEITH MEYER
315 COURT STREET, ROOM 468
CLEARWATER, FL 33756
727-464-3548

**Judicial Practice Preferences
Circuit Civil**

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. 2013-075 PA/PI-CIR RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT.

TO SCHEDULE HEARINGS:

Most hearing time can be scheduled through JAWS and is the preferred method. ***See JAWS section*** or email hearing requests to section20@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.
- Whether or not this is a telephonic hearing.

*After you have cleared a date with opposing counsel, please send an email to section20@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 will probably not hear the motion.

Notice of hearings should be sent via email to section20@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. Any supporting documents can be provided to the Judge at the hearing.

TELEPHONIC HEARINGS:

Telephonic hearings may be permitted for hearings that are thirty (30) minutes or less. 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 getting each participant on the line **BEFORE** calling the Judge.

JAWS

*As of March 1, 2018 Section 20 will be utilizing the JAWS system for scheduling most hearings and for submission of agreed orders. Please make sure to read these instructions before requesting/submitting to JAWS.

Setting Hearings:

Hearings are to be scheduled by the moving party in JAWS. The website is https://jawspinellas.jud6.org/jaws_attorney/login.aspx. Please select the “Section 20 – Meyer” calendar to schedule 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 may also be requested directly online. **PLEASE DO NOT SEND OUT A NOTICE OF HEARING UNTIL YOU RECEIVE A CONFIRMATION FROM JAWS THAT THE DATE/TIME REQUESTED HAS BEEN SCHEDULED.**

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 Meyer. Hearings that you schedule in JAWS can also be cancelled by you in JAWS up to 24 hours prior to the hearing. If your hearing is less than 24 hours away, please call the JA to cancel your hearing.

Orders:

Agreed upon proposed orders may now be uploaded to JAWS for Judge Meyer’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 order or judgment to be reviewed and signed, and nothing else, goes in one location.
 - b. Everything else goes in the other upload location - namely, the information that shows the judge why the order should be signed (i.e., cover letter and motion or stipulation, plus exhibits if necessary). These are all uploaded as one single document.

- (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.

FORECLOSURES:

Administrative Order 2017-007 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. For all pre-trial non-evidentiary matters which have not yet been set for hearing, but have been filed, follow the procedures and time limits in Section III (B).

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 2016-020). 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
3. Order Scheduling Non-Jury Trial 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 20 from 9:00 am until 10:00 am 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 section20@jud6.org.
2. Hearings are held in the Judge's Chamber's in Room 468 and are limited to a total of five (5) minutes per case. Telephone hearings are permitted, 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 our office. If a party chooses to wait for his/her adversary, the case will be moved to the end of the docket.
5. All proposed orders shall be submitted to the Judge with a cover letter stating that opposing counsel agrees that the proposed order accurately reflects the Court's ruling, or that opposing counsel was given the opportunity to object to the proposed order, but did not. See above on how to submit orders. Orders may also be brought to the hearing with appropriate copies for conforming.
6. Non-routine evidentiary matters shall **NOT** be heard on the Uniform Motion Calendar. Contempt matters shall also **NOT** be heard on this calendar.
7. 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.
8. The Judge will require counsel to reschedule any matter that the Judge 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 stated.

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. May be handled on a case by case basis or by stipulation of the parties with Judge's approval.

PRE-TRIAL STATEMENTS:

Utilize 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:

Very short motions in limine may be heard the morning of trial. Longer 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 2013-005 – 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 do request for extension. No sanctions will be awarded ex parte. (Use form of order provided by the above AO).
2. With hearing: per Local Rule 5 Sixth Judicial Circuit Local Rules. 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 motion must comply with Local Rule 5©. 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 (ex-constitutional issue). 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.

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.

VOIRE 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 voire dire questions and then counsel will follow with their inquiry. The time limit for voire 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-2013-075: 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.