

HONORABLE JACK R. ST. ARNOLD  
315 COURT ST., ROOM 423  
CLEARWATER, FL 33756  
(727) 464-3239

**Judicial Practice Preferences  
Circuit Civil / Foreclosures**

**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.

**TO SCHEDULE HEARINGS:**

15 and 30 minute hearing times can be scheduled through JAWS. \*See JAWS section\* or email your request to [section21@jud6.org](mailto:section21@jud6.org). Please put the case number and the style of the case in the subject line.

In the body of the email include the amount of time you are requesting, motions to be heard, names of the attorneys and the parties they represent and/or pro se parties and whether or not this is a telephonic hearing.

**SETTING HEARINGS:** After you have cleared a date with opposing counsel, please send an email to [section21@jud6.org](mailto:section21@jud6.org) to set on my calendar. **DO NOT** send in a Notice of Hearing unless you have received an email confirming the date and time requested.

**WHEN CONFIRMING A DATE/TIME, YOU MUST PROVIDE THE FOLLOWING INFORMATION:**

- case number & style;
- names of attorneys for both Plaintiff and Defendant and which attorney's office you are with; and
- the motion(s) to be heard **AND** the date the motion(s) were filed.

When you do not provide this information when confirming a hearing time, it requires another email from me referencing the above instructions again and may result in a delayed confirmation of the hearing time and possible unavailability.

**ALSO, PLEASE ADVISE AT TIME OF SCHEDULING HEARING IF ANY PARTY IS REQUESTING TO APPEAR BY PHONE.** This has to be noted on the calendar at time of scheduling.

**PLEASE DO NOT SEND OUT A NOTICE OF HEARING UNTIL YOU RECEIVE AN EMAIL CONFIRMING THE DATE/TIME REQUESTED IS STILL AVAILABLE AND SCHEDULED.**

## **JAWS**

\*As of July 23, 2018 Section 21 will be utilizing the JAWS system for scheduling 15 and 30 minute hearings. Please make sure to read these instructions before requesting 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](https://jawspinellas.jud6.org/jaws_attorney/login.aspx). Please select the "Section 21 – St. Arnold" calendar to request your hearing. Hearings of 15 or 30 minutes hearings 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.

**CROSS NOTICE HEARINGS:** A motion will not be added to the calendar without approval of the Court. If you file a Cross Notice of Hearing without the approval of the Court, the Judge will not hear the motion.

**TELEPHONIC HEARINGS:** Telephonic hearings may be permitted for hearing 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. Attorneys may attend in person.

### **PROPOSED ORDERS:**

**Agreed** upon proposed orders may now be uploaded to JAWS for Judge St. Arnold'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, the title of the motion and the date it was docketed.

**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.**

**\*All other orders** may also be submitted via US mail with cover letter, copies for conforming, and self-addressed stamped envelopes.

Orders should be submitted to the judge within five (5) days from the date of the hearing unless specified otherwise by the judge.

Sufficient copies and stamped, addressed envelopes must be provided.

The Court **will not** hold ANY document or proposed Order awaiting objection from another party.

Orders should **NOT** have the “DONE AND ORDERED” and Judge’s signature standing alone on a separate page. Some part of the body of the Order should be included on signature page.

Judge St. Arnold is located in Clearwater, Pinellas County, Florida and is the Judge for Section 21. Please make sure the orders reflect the same.

Do not send unsigned proposed Orders to the Clerk of Court. All proposed Orders must be sent to the Judge’s office for signature.

**COURT REPORTER:** If an attorney would like a Court Reporter present for a hearing, the attorney should make arrangements for a Court Reporter before the hearing is scheduled to start.

**FAX / E-MAIL POLICY:** The Judge **does not** accept any correspondences, motions, orders via email and/or fax.

**MOTIONS:** Motions must be filed **before** requesting hearing times.

**MOTIONS TO DISMISS:** The Court will no longer set hearings on Motion to Dismiss. Please refer to Admin. Order 2015-056. Motions Decided on Written Submissions.

**DEPOSITON DISPUTES:** If extremely critical, attempt an immediate telephone hearing. Otherwise, certify question and set hearing.

**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. **Do not send proposed orders through the e-portal.**

**MEDIATION:** Mediation is required unless it is a unique case. 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.

**EMERGENCY MOTIONS:** When attorneys e-file an emergency motion, the documents will be processed by the Clerk. However, the Clerk does not forward it to the judge’s office and accordingly, the Judge and JA are not aware of the filing. It is the attorney’s

responsibility to submit a copy of the motion to the Court for determination of emergency status by US Mail or hand delivery. If granted, a hearing will be set at date and time the Court dictates. If counsel is not available at the time the Court picks for hearing then it is not an emergency. Opposing counsel/party is to be provided with Motion in same manner as the Court, unless reasons for no notice stated.

If the judge is unavailable, the attorney should go to the Emergency/Duty judge regardless of whether or not the duty judge is assigned to the civil section.

**COURTESY COPIES OF MOTION:** Our system is not paperless! E-filing with the Clerk does not put anything into the judge's hands. Courtesy copies of the motion, Notice of Hearing, and all supporting documentation must be provided directly to Judge St. Arnold, 315 Court St., Room 423, Clearwater, FL 337565 via hand delivery, US Mail, Fed Ex / UPS (not email or fax).

**PLEASE DO NOT EMAIL DOCUMENTS TO THE JA UNLESS THEY ARE SPECIFICALLY REQUESTED.**

**SUBSTITUTION OF COUNSEL:** Pursuant to Rule of Judicial Administration 2.505(e)(2) stipulations for substitution of counsel require client's written consent.

**MOTIONS FOR REHEARING AND RECONSIDERATION:** Will not be set for hearing initially. Please submit a copy of the motion to the judge's office for entry of an order. If the Judge determines a hearing is required, your office will be contacted.

**IF A CASE SETTLES OR A SCHEDULED HEARING IS RESOLVED:** Immediately call the office and/or send an email to [section21@jud6.org](mailto:section21@jud6.org) to cancel any hearings or trials that may have been scheduled.

### **TRIAL PREFERENCES**

**NON-JURY TRIALS:** Non Jury Trials to be scheduled should be set for a Case Management Conference to discuss scheduling.

**JURY TRIALS:** A Case Management Conference is required to obtain a trial date. A trial date will not be given without a Case Management Conference. The Court generally tries the oldest case first. All juries are selected on the first day of the trial week.

Please follow the time guidelines as set forth in the Order Setting Jury Trial and Pretrial Conference.

**PRETRIAL:** Discovery cut-off is found in the Order Setting Jury Trial and Pretrial Conference. The parties will submit to the Court ONE Uniform Pretrial Conference Order agreed upon by the parties at least three (3) business days prior to the pretrial

date. Read and comply with all the deadlines and other requirements in this Order. All provisions will be strictly enforced.

The Court requires personal attendance at the pretrial by trial attorneys and pro se parties. Attendance by an attorney who will be at the trial of the matter is required. The Court **does not** allow telephone appearances at pretrial.

**PRETRIAL CONFERENCE:** The Plaintiff shall provide to the Court a complete set of proposed jury instructions and verdict form(s). The Defendant shall provide only special instructions or those standard instruction not included in the proposal submitted by Plaintiff, together with any specific objections to the instructions submitted by Plaintiff and shall do so no later than the date of the Pre-Trial Conference. All instructions submitted to the Court shall be by **US Mail or hand delivery. Please do not email the jury instructions and verdict form(s).**

**MOTIONS IN LIMINE:** Motions in Limine **must** be heard prior to trial. The parties should schedule any anticipated Motions in Limine or Motions for Summary Judgment **EARLY**. We believe most firms are aware of the increase in volume of cases in the civil division and the difficulty in obtaining hearing times last minute. Motions not heard are waived. Failure to hear such motions is not a basis for a continuance.

**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 discussed at the pre-trial conference.

**PEREMPTORY CHALLENGES:** Generally 3 per party with total of plaintiff to match total of defense.

**EVIDENCE AT TRIAL:** Judge St. Arnold prefers to have all items to be admitted into evidence by stipulation for all parties in one (1) notebook, if possible. If there is any evidence that the parties do not agree on, Judge St. Arnold will deal with it as it comes up in trial.

If there is any demonstrative evidence that will be presented at trial, the parties need to share that with each other prior to the day of trial.

**ATTORNEYS 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. Parties can usually expect an additional referral to mediation post trial regarding attorney's fees and costs.

**CONTINUE JURY TRIAL:** Any request for a continuance of Jury Trial **MUST** be set for hearing even if a Stipulation has been signed. If the judge doesn't have hearing time prior to the Pretrial, the continuance will be addressed at Pretrial. Compliance with the

Order Setting Pretrial is still required including submission of a proposed Pretrial Order three (3) days prior to Pretrial.

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

**TECHNOLOGY:** Arrange for use of technology prior to the first day of trial. To do so, call the Sixth Circuit's IT Department at (727) 464-5443.

### **FORECLOSURES**

Administrative Order 2017-007 is the most recent Mortgage Foreclosure Procedures for the 6<sup>th</sup> Circuit. **Please review it carefully.** This Court is implementing Section III (B): Motions decided on Written Submissions. Pretrial non-evidentiary matters will be decided without a hearing, 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 Plaintiff, this does not require a hearing (MUST comply with Administrative Order 2017-007). 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.

**We don't accept documents via email or facsimile.**

### **THE FOLLOWING ARE JUDGE JACK ST. ARNOLD'S REQUIREMENTS FOR REQUESTING & SETTING FORECLOSURE CASES FOR NON-JURY TRIAL:**

To schedule a Non-Jury Trial in Section 21, 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 (**indicating 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 date and time left blank, along with sufficient copies to provide one for each party on the service list, as well as stamped, addressed envelopes.

Please mail directly to our office at the following address:

*Judge Jack St. Arnold  
315 Court Street, Room 423  
Clearwater, FL 33756*

Once the proposed orders are received, the NJT will be set for the next available date. Be sure to list the amount of time anticipated for the NJT. **IF AMOUNT OF TIME IS 5 MINUTES AND YOU HAVE MORE THAN ONE CASE YOU ARE REQUESTING TO SCHEDULE FOR NON-JURY TRIAL, WE MAY SCHEDULE UP TO 3 CASES IN THE SAME 15 MINUTE TIMESLOT.**

#### **Scheduling a Hearing on a Motion for Summary Judgment**

15 minutes and 30 minute hearing times can be scheduled through JAWS. \*See JAWS section\* or email your request to [section21@jud6.org](mailto:section21@jud6.org). Please put the case number and the style of the case in the subject line.

**TELEPHONIC HEARINGS WILL NOT BE PERMITTED ON MOTIONS FOR SUMMARY JUDGMENT. ALL PARTIES MUST APPEAR IN PERSON.**