

**HONORABLE GEORGE M. JIROTKA**  
**Judicial Practice Preferences for Circuit Family**  
**Circuit Family Section 23**  
**315 Court Street, Room 410**  
**Clearwater, FL 33756**  
**Telephone: (727)582-7200**

**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 in the Old Clearwater Courthouse, phone (727)464-5150, 324 S. Ft. Harrison Avenue, 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. 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.**

**COMMUNICATION WITH THIS OFFICE:** The preferred form of communication with this office should be by e-mail message to Section23@jud6.org with the case number in the subject line; however, if after reviewing these Practice Preferences you need to speak with the Judicial Assistant you may leave a message by calling (727)582-7200 and asking to be transferred to our office.

**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. True emergencies (see Emergency Motions) are an exception.

**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.

**MINOR NAME CHANGE & ADOPTIONS:** Adoption files are reviewed by the Court's Staff Attorney prior to any final hearing being scheduled. If you believe your adoption case is ready to be set for final hearing, e-mail Section23@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. NOTE: ALL final hearings on adoptions **must** have a court reporter present. A list of approved court reporters can be found on our website [www.jud6.org](http://www.jud6.org) under Court Reporting on the left-side of the screen.

**CANCELLATION OF HEARING:** **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, along with a copy of your e-filed confirmation, including showing ALL parties to the case are copied with said e-mail or an explanation as to why they are not copied) e-mailed to Section23@jud6.org.

**EMERGENCY MOTIONS (NOTE: Emergency Motions involve matters where the moving party will suffer irreparable harm if relief is not granted immediately):** ALL emergency motions must be verified and with a certificate of good faith signed by the attorney, if represented. The motion must be e-filed with the Clerk of Court AND provided to the opposing attorney/pro se party PRIOR to submission to the Judge. Once you have e-filed the motion, if said motion with attachments and/or correspondence is five (5) pages total or less, then e-mail a courtesy copy of said motion, etc. with the word "EMERGENCY" in the subject line, along with a copy of your e-filed confirmation, including showing all parties to the case are copied with said e-mail, unless lawful reasons exist that prevent notice are stated in the motion, to Section23@jud6.org. If said motion with attachments and/or correspondence is more than five (5) pages, then same must be hand delivered to the Judge, along with confirmation that said motion was delivered to the opposing attorney/pro se party. If the motion is not titled with the word "emergency" or if any of these instructions are not followed, the Court will take no action. Please note, the Court may seek a written response from the opposing party and may rule on the matter without a hearing.

If the Judge determines an emergency hearing is warranted we will notify you via an e-mail message of the date and time of said hearing. Emergency hearings are not coordinated with parties or counsel. It will be the moving party's responsibility to insure that proper notice is achieved.

**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.

**REQUESTS FOR HEARING TIME:** ALL pleadings must be e-filed with the Clerk of Court AND sent to the opposing attorney/pro se party PRIOR to requesting hearing time. ALL requests for hearing time must be by e-mail to Section23@jud6.org and include in said e-mail the following:

**Case Number and Style of Case** in subject line only: example 13005555FD (10 digit format) SMITH v SMITH

**Names of parties and attorneys**, if represented

**What pleading(s) are to be heard & the date the pleading was docketed**

**Requested amount of time for said hearing**

Once hearing times are obtained and cleared with opposing counsel/pro se party (and it is suggested you clear more than one date and time), you must send back an e-mail requesting a confirmation of the date(s) and time(s) chosen. *YOU MUST THEN AWAIT confirmation from the Judicial Assistant BEFORE submitting your Notice of Hearing.* The Judicial Assistant will confirm a hearing time with you usually within the hour of your email, but at times it may take up to 24 hours. In the event the section is closed for any reason, you will receive an automated e-mail response which will advise you as to when the division will re-open.

If an attorney or pro se party wishes to add, delete, or otherwise change the matters to be heard at a set hearing, the attorneys/parties involved and the Judicial Assistant must be notified and in agreement. This is achieved by sending an e-mail to Section23@jud6.org and the same requirements in requesting hearing time must be followed.

**TELEPHONIC HEARINGS:** Telephonic hearings may be allowed under certain circumstances on non-evidentiary matters set for 15 minutes or less, as per Rule of Judicial Administration 2.530. Telephonic hearings must be set forth in the Notice of Hearing. If more than one party will be appearing by phone it shall be the responsibility of the party setting the hearing to arrange a conference call, with the Judge being called last. If an attorney is appearing in person at a hearing and his or her client is appearing by phone the attorney will need to call the client from his or her cell phone. Clients are not to be given the Judge's direct number.

**UNIFORM MOTION CALENDAR (UMC):** This calendar is limited to five (5) minutes total time per case for such matters as Uncontested Final Hearings (with signed MSA), routine Motions to Compel, Motions for Default, Motions to Withdraw, etc. Evidentiary matters and contempt matters (except failure to attend deposition) will not be heard on the Uniform Motion Calendar. UMC is designed for matters the Court does not need to prepare for in advance. Thus, the files are not reviewed prior to the hearing. To obtain UMC times follow the procedures under REQUESTS FOR HEARING TIME.

**COURTESY COPIES OF PLEADINGS:** **Our system is not paperless yet! E-filing with the clerk does not put anything into the judge's hands.** The Court would appreciate courtesy copies of pleadings to be presented to the Court at the hearing. DO NOT send copies prior to the hearing for the court to hold. The only exception to this rule is if an attorney or pro se party is appearing by phone. Then and only then you WILL need to send copies to the court no sooner than one week prior to the hearing date. Copies provided to the Court at the hearing will be presumed to be courtesy copies and will be discarded once the Court has ruled on the matter.

**CASE LAW:** Paper copies of case law and other legal authority are welcomed by the court, and pertinent portions may be highlighted. Any such copies provided to the court (including any highlighting) shall be provided to opposing counsel before the start of the hearing.

**SCHEDULING OF PRE-TRIAL CONFERENCES AND TRIALS:** If you believe your case is ready to be set for Pre-Trial Conference and/or Trial then e-mail Section23@jud6.org with a request for a Pre-Trial Conference. We will e-mail you with 30 minute Pre-Trial Conference dates and times to coordinate with the opposing attorney/pro se party. It is presumed at the Pre-Trial Conference the case is ready to be tried, that there are no pending motions and discovery has been completed. The Trial date(s) will be scheduled by the Judge at the Pre-Trial Conference. Attorneys/pro se parties must bring their calendars to the Pre-Trial Conference.

**PRE-TRIAL CONFERENCE:** Attorneys and all parties must appear at the Pre-Trial Conference in person. Telephonic appearance is NOT allowed at Pre-Trial Conferences. The attorneys attending the Pre-Trial Conference will be the attorneys who will attend the Trial. Note that the Order Setting Pre-Trial Conference contains many requirements that be must be followed. Utilize the pretrial statement form attached to the Order. The discovery cut-off is established in the Order Setting Pre-Trial Conference OR by stipulation of the parties. No motions will be heard at the pre-trial conference without permission of the Court.

**DISCOVERY CUT-OFF:** Generally at pre-trial, 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.

**MOTIONS IN LIMINE:** At the Pre-Trial Conference, the Judge should be provided with a list of any pending motions in limine. The Judge will then indicate how and when they will be addressed; these motions are usually heard the morning of trial.

**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/judgment, etc. 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 (signed by both incoming and outgoing Attorneys and Client)
- Motions to Withdraw (with signed consent from client)
- Final Judgments of Paternity (with all issues resolved by signed agreement)

**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 be returned unsigned.

**WITHDRAWAL OF COUNSEL:** The Court will consider Motions to Withdraw as Counsel so long as written consent by the client is provided. 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.

**PROPOSED ORDERS/JUDGMENTS:** As provided by the Standards of Professional Courtesy for the Sixth Judicial Circuit, ALL proposed orders/judgments shall be submitted directly to the Judge with a cover letter stating that opposing counsel/pro se party agrees or objects to the proposed order/judgment or that opposing counsel/pro se party was given the opportunity to object to the proposed order/judgment, but did not. The Court does **not** hold orders/judgments pending objections. Additionally, said cover letter must show all opposing parties are copied with same. If the order/judgment is the result of a particular hearing, reference the hearing date in the order/judgment and cover letter.

If there are disagreements/objections over a proposed order/judgment, try to work them out before involving further court intervention. If there are still disagreements on the form of the order/judgment, each side should submit their proposed version with an extra copy showing what portions are in disagreement to the Court with a cover letter. Do not call the Court or send only a letter to object. Send a proposed order/judgment. The attorneys may also bring a proposed order/judgment to the hearing. Do not send unsigned proposed orders/judgments to the Clerk of Court. All proposed orders/judgments must be sent directly to the Judge's office for signature. If possible, a transcript of the hearing should be sent also.

Proposed orders/judgments should contain NO BLANKS FOR THE JUDGE TO FILL IN OTHER THAN THE DATE THE JUDGE SIGNS. PROPOSED ORDERS/JUDGMENTS CONTAINING BLANKS WILL BE RETURNED UNSIGNED. The Judge will change any language or amounts in the order/judgment he does not find appropriate.

Sufficient copies and stamped, self-addressed business size envelopes for each party must be provided. Do not staple envelopes to orders. Orders with insufficient copies or stamped, self-addressed business size envelopes may be filed with the Clerk without copies being distributed.

DO NOT call the office to find out the status of an order or judgment. You should contact the Clerk of Court at (727)464-7000 or periodically check the Court's docket on-line for the status.

**MOTIONS FOR REHEARING, RECONSIDERATION AND NEW TRIAL:** Motions for rehearing, reconsideration and new trial will not be set for hearing. Please submit a "copy" of the motion to the Judge's office. The Judge will prepare an order either granting or denying said motion. If the Judge grants your motion, then you may e-mail Section23@jud6.org with your request for hearing time.

**DEPOSITION DISPUTES:** These should be very limited. Certify question and set for hearing to determine the issue.

**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 a 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 Final Judgments 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.

**OTHER PRACTICE AND PROCEDURE POINTERS:** The Court attempts to honor all stipulations, including stipulations to CONTINUE TRIAL which **must** also be signed by the parties.

COURTROOM TRIALS – REQUEST PERMISSION FOR THE FOLLOWING: To approach the bench or to approach the witness.

MARKING EVIDENCE TO BE USED AT TRIAL: ALL evidence is to be copied and exchanged 10 days prior to trial unless 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.

SHOWING TANGIBLE EVIDENCE TO THE COURT OR WITNESSES: Show the evidence to opposing counsel before showing the evidence to the Court or to the witnesses. When a driver's license is used to establish jurisdiction, **please have a copy of the license available.**

COURTROOM DEMEANOR COMMENTS: Stand when speaking unless the Court allows otherwise. Do not address opposing counsel by their first name or nickname. Do not engage in arguments or disputes with opposing counsel. All argument is to be directed to the court and not to opposing counsel.

DO NOT send proposed orders/judgments to the Clerk of Court. All proposed orders/judgments must be sent directly to Judge's chambers along with a cover letter and include a copy of the motion/stipulation, etc.

ALL self-addressed stamped envelopes provided **must** have your return address on them, NOT the Court's.

Ensure proper notice has been sent to all. Even with defaults, ensure all parties are copied all the time with everything. NOTICE, NOTICE, NOTICE **and** opportunity to be heard are KEY concerns for every Judge.

Cross-Noticing on another attorney's time is STRICTLY PROHIBITED. If you cross notice, your motion will not be heard.

If a case has settled, please send an e-mail with the word "SETTLED" only in the subject line indicating the dates on the court's calendar to be removed to Section23@jud6.org.

DO NOT call my office to confirm receipt of your documents. If you want to know if my office has received your mail then it is suggested you send it by some type of tracking. FAX POLICY: The Court prefers all materials be mailed or hand delivered.

All lawyers are expected to read and follow the Florida Bar Family Section "Bounds of Advocacy" that can be found at [www.familylawfla.org](http://www.familylawfla.org)

NOTICE OF FINAL DISPOSITION forms must be submitted.

COURT REPORTERS: The Court provides a digital court reporter for all domestic violence type return hearings.