

**LORRAINE M. KELLY
COUNTY COURT JUDGE
COUNTY CIVIL SECTION 39 / SMALL CLAIMS SECTION 45**

Judicial Assistant: JoAn Caffentzis section39@jud6.org

INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCES

545 1st Avenue North
St. Petersburg, FL 33701
Phone (727)582-7822
Fax (727) 582-7421

HELP FOR PARTIES WITHOUT ATTORNEYS:

The judicial assistant cannot answer your legal questions. Under Florida law she could be prosecuted for a first degree misdemeanor, unlicensed practice of law, were she to give you legal advice. Please do not ask her to answer legal questions.

The judge can only visit with you about your case in the courtroom in the presence of all the parties involved with the case. Please do not call the judge and expect to have a conversation with her or attempt to relay a message to her through the judicial assistant. If you want to bring a matter to the court's attention, put it in writing and file it with the Clerk of the Court under the case number you are calling about. Be sure to send a copy of the information to the opposing party.

HELPFUL LEGAL RESOURCES FOR PEOPLE WHO DO NOT HAVE ATTORNEYS:

Pinellas Clerk of Court Self Help Program (Community Law Program):

<http://www.pinellasclerk.org/aspInclude2/ASPInclude.asp?pageName=selfhelp.htm> .

St Petersburg (727)582-7941 or Clearwater (727) 464-5150

Gulfcoast Legal Services: Clearwater (727)443-0657 or St. Petersburg (727)821-0726.

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

TO SCHEDULE HEARINGS:

(hearing times - beginning January 2020)

Schedule all hearings in JAWS.

The website is https://jawspinellas.jud6.org/jaws_attorney/login.aspx

Please select the "Section 39 – Kelly" calendar to schedule your hearing.

Hearings of 15 or 30 minutes may be scheduled directly online.

For hearings which require additional time, adjacent hearing time slots may be combined to create the amount of time required provided you first e-mail or call the JA to create the time slot prior to scheduling your hearing. You may also use this procedure for 30 minute hearings.

It is the moving party's responsibility to confirm that all counsel/associated parties are in the JAWS database to ensure all parties receive emails regarding the scheduling and cancelation of hearings.

Telephonic appearances are permitted. A motion and order is not required. Attorneys appearing by phone should provide their numbers in the "Additional Notes" box of the JAWS Portal, so that Judge Kelly may initiate the call. In the event there are more than 2 parties appearing by phone the scheduling Attorney will be responsible for initiating a conference call to the Judge's office at (727) 582-7822. Attorneys appearing telephonically should also be listed on the Notice of Hearing.

HEARINGS SHALL BE NOTICED FOR THE ST. PETERSBURG COURTHOUSE:

St. Petersburg Judicial Building
545 1st Avenue North
5th Floor (there is no room number)
St. Petersburg, FL 33701

CROSS NOTICES: If you wish to set a motion companion to or in opposition to a motion already scheduled and confirmed by the judicial assistant opposing counsel, who originally requested hearing time, must first agree. Only after agreement with opposing counsel may the cross-noticing party contact the judge's office to request permission to add a motion to the calendar in a time slot reserved by the attorney who initially reserved hearing time.

CANCELLATION OF HEARINGS: Hearings that you schedule in JAWS can also be canceled up to 72 hours prior to the hearing. If the hearing is less than 72 hours away, please contact the JA to cancel your hearing and provide a succinct explanation for the cancellation.

COURTESY COPIES: It is not necessary to send courtesy copies of pleadings to the judge if they have already been e-filed, e.g. Notices of Hearing, Motions or Affidavits. Please bring a copy of any cases or exhibits you intend to use at the hearing for opposing counsel and the court. If you intend to rely upon case law as part of your presentation, please provide the cases to the judge no less than 48 hours before the hearing. Five or fewer cases may be emailed to the judicial assistant. A hard copy of anything greater in scope should be submitted for the judge's review no less than 72 hours before the hearing date.

PRETRIAL AND TRIAL PRACTICE & PROCEDURES

SCHEDULING JURY AND NON-JURY TRIALS: When filing a notice to Set Cause for Trial please schedule a 30 minute case management conference (CMC) through JAWS. Parties may attend by phone.

For Nonjury Trials please complete the Order Directing Nonjury Trial form before the CMC (see page 4).

EVICTON HEARINGS: Eviction cases are reviewed by the judge upon submission of the proposed Final Judgment via the JAWS Portal. If a hearing is required you will be prompted to schedule the hearing via e-mail through the JAWS Portal.

For Commercial Landlord/Tenant cases with an answer filed, please first submit a proposed "Order to Deposit" (with a blank line for the due date) prior to submitting a proposed Final Judgment of Eviction.

Counsel located out of Pinellas County may appear by phone for a Final Hearing of Eviction as long as their client or a local property manager is at the hearing in person.

SMALL CLAIMS PRETRIALS: Phone appearances will not be permitted. Exceptions may be made on a case by case basis. Any motion for an exception must be presented in writing.

A Stipulation Invoking the Rules of Civil Procedure and Waiver of Pretrial Conference must be submitted via the JAWS portal 48 hours **PRIOR** to the Small Claims date to ensure that the stipulation will be docketed prior to the hearing.

All requests for continuances shall be done in the form of a written motion to the court. Please include in the motion a description of your attempts to contact the opposing party and whether they agreed or objected to the continuance.

SUBMITTING PROPOSED ORDERS: Please submit proposed orders via the JAWS Portal. It is important to make sure that all associated party e-mails are connected to the case in order for everyone to receive a conformed copy of the order. In the event you do not have a pro se litigant's e-mail or attachments such as fact information sheets need to be mailed, a follow up certificate of service should be filed through the e-portal.

If you are submitting an Agreed Order please make sure "Agreed" is in the title of the order and advise the court that there was no objection by opposing counsel in your cover letter.

In the event that opposing counsel is objecting to the submission of your proposed order, please submit a **HARD COPY** of the order along with a cover letter advising the judge that an opposing order will also be submitted by opposing counsel.

In cases where a hard copy of a proposed order needs to be submitted to the judge's office please make sure that there are copies for each party along with postage paid envelopes with the senders return address.

SEND ALL MAIL DIRECTLY TO:

Judge Lorraine M. Kelly
St. Petersburg Judicial Building
545 1st Ave. North
St. Petersburg, FL 33701

**IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

CASE NO. _____

Plaintiff,

vs.

Defendant.

_____ /

ORDER DIRECTING NONJURY TRIAL

On this date the attorneys appeared before the court at a Pre-Trial Conference, pursuant to Rule 1.2000, Florida Rules of Civil Procedure. The following memorializes the agreement of the parties:

APPEARING FOR PLAINTIFF:

APPEARING FOR DEFENDANT:

1. CONCISE AND NEUTRAL STATEMENT OF THE CASE:

2. ISSUES:

3. ADMISSIONS:

4. STIPULATIONS AND WAIVERS IF ANY:
 - A. Use of expert testimony at any time during trial as a result of unavailability at other time.

 - B. Waive records custodians for documents produced in discovery to date. This is not the equivalent of a stipulation to the admissibility of the documents in question.

5. _____, 20__ - PLAINTIFF AND DEFENDANT SHALL PROVIDE, TO ONE ANOTHER, ALL DOCUMENTS THEY INTEND TO USE AT TRIAL.
6. _____, 20__ - PLAINTIFF AND DEFENDANT SHALL EXCHANGE WITNESS AND EXHIBIT LISTS WITH A COPY BEING SENT TO THE CLERK OF COURT.
7. PLEADINGS:
A list of pleadings upon which the case will be tried, including the date of filing for each.
8. REMAINING MATTERS:
A list of all remaining matters that require action by the Court, including the dates of filing for any motions:
9. PARTIES AND WITNESSES:
 - a) Special needs:
 - b) Interpreter:
 - c) Limitations on the number of witnesses (e.g. expert witnesses, before and after witnesses, etc.):
10. A LIST OF SPECIAL DAMAGES CLAIMED:
11. ESTIMATED LENGTH OF THE CASE IN CHIEF FOR EACH LITIGANT AND THE ENTIRE TRIAL:
12. MAXIMUM NUMBER OF TRIAL HOURS:
13. SETTLEMENT POSSIBILITIES:
14. _____ WILL BE RESPONSIBLE FOR ATTENDANCE OF THE COURT REPORTER.
15. ADDITIONAL MATTERS:

ORDERED AND ADJUDGED that the Nonjury Trial is set for _____, 20__, at _____ a.m./p.m. before the Honorable Lorraine M. Kelly at 545 First Avenue North, St. Petersburg, Florida 33701.

Done and Ordered in St. Petersburg, Pinellas County, Florida, this _____ day of _____, 20____.

**LORRAINE M. KELLY
COUNTY COURT JUDGE**

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Copies Furnished To: