

# Honorable Linda R. Allan

Section 24 – FAMILY Division

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## **PRACTICE REQUIREMENTS AND OTHER HELPFUL INFORMATION**

**(Updated May 4, 2021)**

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### **I. COURTROOM DECORUM**

Attorneys and litigants are expected to arrive on time and be ready to address their cases. All hearings are currently being conducted by ZOOM. Counsel, parties and witnesses are expected to dress and behave appropriately as if they were physically present in Court.

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.

### **II. COMMUNICATION WITH THE COURT**

- A. **Email** [Section24@jud6.org](mailto:Section24@jud6.org) to contact the Judicial Assistant or the Judge. Please do not contact the Judge directly. The subject line of the email should contain the case number and case name.
- B. **E-MAIL Policy:** The Judge **does not** accept any correspondence, motions, and orders via email unless counsel has explicitly been instructed to do so.

C. **Inquiries About Cases** Before contacting the JA regarding the status of a case or pending order, please review the Clerk's on-line docket.

### III. UNREPRESENTED PARTIES

**IF YOU DO NOT HAVE A LAWYER, the Judicial Assistant CANNOT answer your legal questions, or explain your situation to the Judge. You can only seek relief by filing written motions. Your opportunity to speak to the Judge happens in Court only.** Although not expected to be as skilled and knowledgeable as lawyers, all "self-represented" parties (also known as "pro se" litigants) are nevertheless subject to all laws and Rules of Court procedure that apply to a lawyer. Judges, and their assistants, are forbidden from giving any advice or help to unrepresented parties. Judges, and their assistants, must remain neutral and impartial. **A self-represented party is authorized to contact the Judge's office in the same manner as an attorney's office as set forth in these requirements.**

**FAMILY LAW FORMS:** The Florida Supreme Court has approved numerous forms for use in Family Law proceedings, which may be purchased through the Clerk of the Court, or downloaded at no cost from the State Court website:

<https://www.flcourts.org/Resources-Services/Court-Improvement/Self-Help-Information>

In addition, the Sixth Judicial Circuit has a number of Locally Approved Individual Forms, which may be found on the [www.jud6.org](http://www.jud6.org) website under "Representing Yourself in Court".

The Clerk of Court has a Self Help Program for self-represented litigants on the first floor in the St. Petersburg Courthouse at 545 First Avenue North, Room 103, St. Petersburg, FL 33701, (727) 582-7941 and the Clearwater Courthouse at 315 Court Street, Clearwater, FL 33756, (727) 464-5150. Visit their website for more information at [www.mypinellasclerk.org](http://www.mypinellasclerk.org).

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.

### IV. HEARINGS:

A. **SCHEDULING** - All motions/petitions must be posted on the Clerk's docket before a hearing can be requested, or your hearing request will be rejected/cancelled.

1. If your hearing requires MORE than 60 minutes, please send an email to [Section24@jud6.org](mailto:Section24@jud6.org) and advise how much time you are seeking. Some

hearing requests, regardless of the amount of time requested, may need to be reviewed by the judge before the hearing can be scheduled or confirmed.

2. **Uncontested Final Hearings and 15, 30, and 60 minute hearings are all scheduled via JAWS.** If you need 45 minutes, request 60 minutes and include a NOTE that only 45 minute are needed and JAWS will be adjusted accordingly.

The JAWS website is

[https://jawspinellas.jud6.org/jaws\\_attorney/login.aspx](https://jawspinellas.jud6.org/jaws_attorney/login.aspx). Please select the "Section 24 – ALLAN" calendar to request your hearing date and time.

**In the "Hearing Description" please include the NAME of the motion, DATE OF FILING, and WHOSE MOTION is being scheduled (PL, RESP).**

**If you are scheduling a CMC, please include the REASON for the CMC.** Failure to provide any of this requested information may result in the cancellation of the hearing request.

3. **Pre-Trial Conferences (PTC) and Trials:** A 30 minute CMC is required to schedule a PTC and Trial. When scheduling in JAWS, please specifically state the CMC is to schedule a PTC/Trial and list the number of trial hours/days you are seeking.

**DO NOT SEND OUT A NOTICE OF HEARING UNLESS YOU HAVE RECEIVED AN EMAIL CONFIRMING THE HEARING HAS BEEN SCHEDULED.**

4. **"Associate" Email Addresses for ALL Parties** - It is the scheduling 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. Staff email addresses can be added under "Email addresses." **Failure to comply with this procedure can result in cancellation of your hearing.**
5. **ZOOM:** At this time, the Court is setting all Hearings by Zoom using the email addresses associated in JAWS. The parties are welcome to forward the Zoom information to anyone else they wish to invite.

**Additional Zoom information is attached to these Requirements.**

The notice of hearing MUST contain the following information:

- 1) To Join Zoom Meeting by Video: either download the Zoom Video App or go to [www.Zoom.us](http://www.Zoom.us), then click "Join a Meeting." To attend, please use the Meeting ID and Passcode below.

2) Once connected, please check your AUDIO (at the bottom left of your screen) and UNMUTE if necessary (and add your name if only the phone # is showing).

3) Join Zoom by Mobile:

4) Join Zoom by Phone: Persons participating in the Zoom hearing without audio and visual capabilities may appear telephonically for the Zoom hearing by calling the following number and using the same Meeting ID and Passcode below:

5) Meeting ID and Passcode:

B. It is presumed that when scheduling in JAWS, the hearing has been coordinated with all counsel. If opposing counsel has not responded to the scheduling party's requests, the scheduling party should include a NOTE in the hearing request that sets out the number and means of efforts to coordinate with opposing counsel.

C. **Be sure you have scheduled enough hearing time.** Hearings must run on time and are scheduled back to back and therefore cannot afford to go over your allotted time.

D. **Hearing Packets & Notebooks** - Please be sure HARD copies of the notice, motion, responses, exhibits, supporting documents, case law, etc. are delivered and IN the office at least **7 days prior to the hearing**, or the hearing may be subject to cancellation.

FOR UNCONTESTED FINAL HEARINGS – at this time, all the Court needs for the hearing is a copy of the driver's license or other State ID for the parties, if that document has not already been filed with the Clerk.

If you provided the Court with a hearing notebook and would like it back at the conclusion of hearing, please contact our office at [Section24@jud6.org](mailto:Section24@jud6.org) to make arrangements.

## **V. ORDERS: COVER LETTERS, ORDERS AND SUBMISSION - US Mail and JAWS**

### **1. COVER LETTERS:**

- a. The cover letter must include the Case Number and Case Name.
- b. The letter should include express confirmation by a member of the Florida Bar that the proposed order is being submitted from a hearing "X" date, or ex parte per AO (Administrative Order "X"), or has been shared with all other counsel and 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.

- c. If the order is based on the judge's ruling after a hearing, include the date of the hearing and the title of the motion heard.
- d. If there is opposing counsel/other counsel, the letter must clearly state that the order has been reviewed by counsel and there is no objection to the entry of the order.
- e. If the parties cannot agree and are submitting "competing orders" the cover letter must explicitly state the parties are submitting "competing orders" and include specifically what the parties cannot agree to. Competing orders must be submitted hard copy.

## **2. ORDERS:**

- a. A Cover Letter must be submitted with all proposed orders (see above).
- b. Orders should be submitted to the judge within five days from the date of the hearing unless otherwise instructed.
- c. If the order is from a hearing, the order must reflect the hearing date.
- d. Sufficient copies and stamped, addressed envelopes must be provided (with your firm's address on the return envelope).
- e. The Court **will not** hold ANY document or proposed Order awaiting objection from another party. (Only submit orders after agreed upon or when submitting competing orders.)
- f. Orders should NOT have the "DONE AND ORDERED" and Judge's signature and date standing alone on a separate page. Some part of the body of the Order should be included on signature page. (This is an important safety measure to prevent crimes which have occurred when individuals have attached the single page containing only the judge's signature to fraudulently created orders.)
- g. If the order is more than one page, include page numbers and please staple all of the copies.
- h. For dispositive petitions, do not forget to include or e-file a Final Disposition Form.

## **3. ORDER SUBMISSION AND STATUS:**

- a. **VIA MAIL (US Mail/Courier/Hand Deliver/ FedEx, etc.):** After following the instructions herein for Cover Letters and Orders, the original order should be mailed to the court along with the appropriate number of conforming copies and stamped addressed envelopes (with your firm's address as the return).
- b. **VIA JAWS: Agreed upon orders** can be submitted via JAWS with a cover letter stating that all other counsel agree to the entry of the order. Unless the order is from a hearing where the Court made a ruling, the upload must include everything the Court needs to review and sign the order (motions, stipulation, consent, etc.). Otherwise, orders may be rejected.

**Please do not upload proposed orders to JAWS prior to upcoming hearings. Upload only after the hearing has concluded.**

### c. BASIC JAWS INSTRUCTIONS

- 1) Documents **must submitted in PDF** and cannot be submitted in Word or any other manner.
- 2) JAWS submissions of proposed orders to the Court should consist of **two** uploads:
  - a) **Upload 1:** The Cover Letter, Motion and/or Stipulation (plus consents or any necessary supporting documents), should be uploaded in the **Include Cover Letter section** as one PDF file. **Make sure you select SECTION 24.**
    - i) Cover letter must clearly state the order is agreed upon. If (at a hearing), the judge specifically instructed the order be uploaded to JAWS, reference that in the cover letter along with the hearing date.
    - ii) The cover letter should **NOT** include any language such as "...have your Judicial Assistant conform and mail/circulate copies" as the JA does not electronically distribute JAWS orders. You must associate ALL parties and their email addresses in JAWS. For parties that do not have e-service addresses, the moving party is responsible for providing hard copies to those parties and proposed order should reflect that counsel will mail copies of the order to the parties not receiving it electronically. The submitting party should also file a Notice of Service of Order to reflect they have mailed the orders to those parties.
  - b) **Upload 2:** The order or final judgment to be reviewed and signed, and nothing else, goes in the Document Title section. Title the document and then upload the order in the "browse" section, again **as a PDF**.
  - c) Please do not submit orders with just the date and judge's signature on a page by itself, otherwise it may be rejected to correct the format. This is an important safety measure to prevent crimes which have occurred when individuals have attached the single page containing only the judge's signature to fraudulently created orders.
  - d) JAWS will not allow you to save a document being uploaded with any special characters (.&\*\ / underscore) as these will cause an error.
  - e) PLEASE DO NOT SUBMIT PROPOSED ORDERS BY BOTH HARD COPY AND JAWS. You must pick only one way for submission.

- f) If submitting a dispositive judgement or dismissal, please be sure to include or e-file with the Clerk a Final Disposition Form. See Fla. R.Civ.P. 1.545.
- g) Do not make multiple uploads for the same matter. All relevant documents should be contained in the same upload. ***If there is a problem with uploading, contact the JAWS Help Desk, 727-453-4357. Do not contact the JA.***

**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.**

- 4. **JAWS REJECTIONS:** It is the responsibility of the “uploading” party to be aware of the “rejection” notification when an uploaded order has been rejected in JAWS. The uploading party should include the email address(es) for the person/people in their office they want notified to ensure the rejection is received and corrected.

Most common reasons for rejections are: 1) not submitted in PDF; 2) order is not agreed upon or no cover letter included clearly stating the order is agreed upon; and 3) order reflected incorrect judge’s name.

- 5. **ORDER STATUS:** Please allow the Court at least 10 days from docketing to review non-emergency matters before requesting status of the order. Make sure you have first checked the Clerk’s docket. Our office strives to remain current in reviewing and processing proposed orders but occasionally circumstances may delay this action.

**VI. OTHER GENERAL REQUIREMENTS & PROCEDURES:**

- A. **ADDING MOTION(S) TO EXISTING HEARING:** You must seek permission of the Court to add ANY motion to an existing hearing. Before you contact the Court, check with other counsel to see if there are any objections, then email the Court for permission to add the motion(s). Be sure to include: a) the case name and case number, b) date and time of hearing, c) title of motion and date of filing, and d) if there are any objections to adding it. Once the Court has given you permission to add the motion(s), you must file an Amended Notice of Hearing. Motions added without permission of the Court will not be heard.

- B. **ADOPTIONS AND NAME CHANGES**: Adoption files and Name Changes are first reviewed by the Court's Staff Attorney prior to any final hearings being scheduled. If you believe your case is ready to set for final hearing, e-mail [Section24@jud6.org](mailto:Section24@jud6.org) with the case number so that we may verify the status with the Staff Attorney. You will be notified by the Staff Attorney if additional documentation is needed; or you will be notified by e-mail from the Judicial Assistant that a final hearing can be scheduled. Sometimes a hearing is not required for a name change and the JA will contact you to submit a proposed final judgment.

All final hearings on adoptions REQUIRE a court reporter. The Court does not provide a court reporter. A list of Court approved court reporters can be found on the left side of the [www.jud6.org](http://www.jud6.org) website under "Court Reporting" or through the following link: Court Reporters Approved for Assignment in the Sixth Circuit.

If instructed to schedule a hearing in JAWS, please include a **NOTE** that the case was reviewed by a staff attorney who indicated the case was ready for a hearing, otherwise, your hearing request will get rejected.

- C. **CASE SETTLEMENTS/AGREEMENTS**: **Immediately** send an email to [Section24@jud6.org](mailto:Section24@jud6.org) to cancel any upcoming hearings, pre-trial conferences or trials that are scheduled. If not, hearing time that could have been used will be wasted.
- D. **COURT REPORTING AND DIGITAL COURT REPORTING**: The attorney should advise the Court at the beginning of every hearing whether or not a court reporter has been ordered. A digital court reporter is only provided by the Court for domestic violence hearings. The Court does not provide a court reporter or digital recording for any other proceeding. It is the responsibility of the party desiring a written record to arrange and pay for a Court Reporter. (This cost may later be reallocated by the Court upon proper motion and hearing.). A list of Court approved court reporters, as well as information on how to obtain a transcript from a digitally recorded proceeding, can be found on the left side of the [www.jud6.org](http://www.jud6.org) website under "Court Reporting"
- E. **CROSS NOTICE HEARINGS**: Any motion added to an existing hearing and cross-noticed for same *without* approval of the Court will not be heard (see section "A" Adding Motions to Existing H, above).
- F. **E-PORTAL FILINGS**: Documents filed through the e-portal are NOT provided to the Judge's office nor is the Judge's office automatically notified of ANY filings whatsoever.

- G. **EMERGENCY MOTIONS:** As set out in “F” above, neither the e-portal nor Clerk of Court advise the judge when an emergency motion is filed. It is the **attorney or pro se party’s responsibility** to advise the Court of any emergency motion filed upon which they are seeking a hearing. To do so, send an email to [Section24@jud6.org](mailto:Section24@jud6.org) indicating in the subject line “Emergency Motion” and marking it “High Priority.” Opposing counsel/party must be provided notice unless reasons for no notice are stated. If the Court determines that an immediate hearing is necessary, it will set the hearing.

**If the section judge is unavailable to review the Emergency Motion, the attorney contact the Emergency/Duty judge** (regardless of what section that judge is assigned).

- H. **HEARING CANCELLATIONS:** Do not cancel a hearing without notification to and by agreement of the parties. A Notice of Cancellation must be e-filed with the Clerk of Court. The attorney’s office MUST notify the JA of the cancellation by sending an email to [Section24@jud6.org](mailto:Section24@jud6.org) with “CANCELLATION” in the subject line. If you scheduled the hearing in JAWS, you must also cancel the hearing in JAWS. You can cancel it in JAWS up to 24 hours prior to the hearing. If you ordered a Court Reporter, remember to cancel that service.
- I. **MEDIATION:** Pursuant to local Administrative Order No.: 2011-006 PA/PI-CIR and 2015-016 PA/PI-CIR all post judgment matters and temporary support matters are automatically referred to mediation prior to a hearing on the matter. Once mediation is scheduled, a hearing may be set on the Court’s calendar to occur after mediation.
- J. **NOTICE OF INTENT TO DISMISS:** Notices to dismiss for lack of prosecution are prepared by the Clerk’s office, not by the Court. The notices are signed by the Clerk of Court, not by a judge. The Clerk issues the Notice to clear out cases due to inactivity. Any recent filings should take the case off the pending dismissal list, however, you may wish to contact the Clerk’s office in that regard at 727-464-7000.
- K. **PARENTING CLASS:** In all cases involving the initial establishment/determination of Parental Responsibility and Timesharing of minor children, the parties are each required to attend a 4-hour Parenting Class and file a certificate of completion of the course with the Clerk of the Court prior to the entry of the Final Judgment.

A list of providers of the Required Courses for Parents may be found on the [www.jud6.org](http://www.jud6.org) website under “Self Representation.”

L. **SUBSTITUTION OR WITHDRAWAL OF COUNSEL:**

1. **Substitution** - Fla. R. Jud. Admin. 2.505(e)(2) requires that the client agree **in writing** to substitution of counsel. The matter can be submitted to the Court with the motion and proposed order without the necessity of a hearing. **However, proposed Orders Approving Stipulations for Substitution of Counsel submitted without the written consent of the client will not be signed by the Judge.**
  
2. **Withdrawal** - Unless consented to in writing by the client and all parties, a Motion to Withdraw must be set for hearing. Fl. R. Jud. Admin. 2.505(f)(1). When the withdrawal of counsel will result in a party being without counsel, the proposed order **must** contain the complete contact information for the party (i.e. address, phone number, e-mail address, etc.). Proposed orders without this information will not be signed.
  
3. **JAWS** – It is the responsibility of the substituted or withdrawing attorney to REMOVE all of relevant associated emails in JAWS. Otherwise, JAWS notifications will continue.



## Video Court Hearings

*Guiding Principle: To every extent possible, video hearings are to be conducted in the same manner as if the proceedings are taking place in a Courtroom or hearing room.*

### Protocol for Participants

- This is a court hearing. Dress as if you were attending court in person.
- All rules that apply in the physical courtroom also apply during a remote video hearing.
- Send whatever exhibits you intend to introduce into evidence to both the Court and to opposing counsel **well in advance of the hearing**, and that includes documents, photos and videos. Uploading exhibits to the E-Portal will include these documents in the court file. However, filing a document does not make it admissible evidence. The judge/judicial officer conducting the hearing will consider the legal admissibility of an exhibit when it is offered into evidence. If you have any questions about how to submit evidence, contact the judge's office to determine how he or she wants the documents to be sent to the Court.
- It is suggested that you dress in a solid color; if a tie is worn, use a solid tie rather than one with a pattern.
- Be mindful of what is behind you; choose a solid neutral wall if possible. It is not appropriate to appear at a court hearing from a bedroom, back porch, poolside, etc. (note: the Zoom video platform has a virtual background feature that may be used, but you should choose something professional).
- Find a quiet place to participate in the hearing.
- Please limit distractions during your hearing. Do not complete other tasks during the hearing. Put all pets in another room. Children should be supervised elsewhere by another responsible adult during the hearing. Just like in an actual courtroom, you must pay attention so you do not miss something important that is said or required of you.
- When speaking, remember to look directly at the webcam, not at the screen.
- Position the camera at your eye level or slightly above eye level.
- Check the lighting. Light from a window behind you might blind the camera, making you look dark. Light above you in the center of a room might also cast shadows. Ideally, position a lamp, or sit facing a window, where light is directly on your face. Also, be aware that your monitor casts light that can make you look blue.
- Speak slowly and clearly, in the event the host is recording the proceeding.
- Speak only when requested to do so. Always speak one at a time and pause prior to speaking in case there is any audio/video lag.
- Mute your microphone when you are not required to speak.

- Never share your personal meeting ID with a nonparticipant. If a member of the public or other non-participant wishes to attend the video hearing, he/she must contact the judges' office and request an invitation to participate in the hearing. If the proceeding is open to the public, the hearing invitation will be provided. However, non-parties will not be permitted to participate in the hearings.
- The host (the Court) may be recording the proceeding, if the proceeding is one in which the court is required to create a record (see the Sixth Judicial Circuit's Court Reporting Plan, 2018-042 <http://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/aos2018/2018-042.pdf>.) No other participant is authorized to record the proceeding. Use of any recording of this proceeding by anyone other than the Court to prepare official transcripts is prohibited. Any recording other than what is made by the Court is not the official record and may not be used in future trial or appellate proceedings.

*As of 5/19/2020*

## **Judge Linda Allan's Guidelines for Zoom Evidentiary Hearings**

**Scheduling:** Contact the judicial assistant at [Section24@jud6.org](mailto:Section24@jud6.org) to schedule a Zoom hearing. Counsel must provide the email addresses of all participants, including the witnesses, to the judicial assistant so that Zoom links can be sent to them.

A **15 minute status conference** the week prior to your Zoom hearing can be useful in clarifying any issues or questions as to how to proceed. While you are not required to have one unless directed by Judge Allan, if you wish to schedule a status conference, contact the judicial assistant at [Section24@jud6.org](mailto:Section24@jud6.org).

**Exhibits:** Seven (7) days before the hearing, provide **HARD COPIES** of the following to the Court:

1. An Evidentiary Hearing Exhibit List in a similar style to the attached.
2. A paper copy of EVERY exhibit labeled "Plaintiff 1" or "Defendant A" and so on.
3. **Confer with opposing counsel** to avoid duplicate exhibits and determine what exhibits can stipulated to be admitted.
4. Practice using the screen share function on Zoom and have your exhibits readily accessible on your computer to screen share during the hearing if permitted by the judge.
5. Provide your witnesses with any relevant exhibit copies prior to the hearing.

### **Witnesses:**

Make sure your witness has a device to attend the hearing and an appropriate location to sit during the hearing, free of distractions. ***Test your set-up ahead of time*** to ensure there is no echoing or any other technical issues. The Court can administer oaths pursuant to AOSC20-16 and AOSC20-23. Advise witnesses of Zoom courtroom procedure and etiquette such as:

1. **Witnesses shall not communicate with anyone during their testimony.** This means no texting or chatting on any device or talking to anyone physically in the room. Attorneys must explain the **Rule of Sequestration** to their witnesses and advise that if the rule is invoked, the witness will either be asked to login to Zoom only when it is his or her turn, or to sit in a Zoom "waiting room" or "breakout room" while the hearing is proceeding
2. Reinforce that even though the hearing is being conducted virtually, it is still a courtroom where witness conduct is subject to **contempt** and witness testimony is under penalty of **perjury**.
3. Proper attire and a distraction free environment is required for both attorneys and witnesses. Telephones and other devices that may ring must be silenced. Make sure Zoom displays the attorneys and any witness's proper name.
4. Advise witnesses to let the attorney or judge finish speaking before answering questions. When an objection is made, stop talking and let the judge rule on the objection. Mute microphone when not being addressed.
5. **Procedure for disconnection:** Advise witnesses to attempt to re-enter the meeting if they are inadvertently disconnected and instruct them to contact you by phone or email for further instructions if they are unable to rejoin the Zoom hearing.

**Testimony by Telephone:** The Court may allow telephonic testimony in exceptional circumstances based on several factors including the nature and subject of the witness's testimony and whether a telephonic examination will be fair and not prejudice any party. You will be required to have a notary present to administer the oath if the Court cannot see the witness.

