



Evan G. Frayman, *Circuit Judge*

Kristen DeJesus, *Judicial Assistant*

## **Judicial Practice Preferences – 5/11/2022**

**The preference of this section is to conduct hearings via ZOOM whenever possible or by telephone, and in person only when necessary, as in the case of domestic violence return hearings. The purpose of this outline is to ensure the safe, secure, and professional handling of all matters in this section. We welcome any respectful feedback regarding these preferences in an ongoing effort to improve the delivery of service to counsel and parties in the Family Law Division.**

### **Professionalism and Advocacy**

All parties and attorneys shall adhere to local Administrative Order No. [2015-052 PA/PI-CIR](#) re: Professionalism Committee and Standards of Professional Courtesy. Self-represented parties shall be afforded and extend the same professional courtesy as attorneys.

All lawyers are expected to read and follow the Florida Bar Family Law Section's publication: "Bounds of Advocacy," as amended, located under the Resources tab on the [www.familylawfla.org](http://www.familylawfla.org) website.

**IF YOU DO NOT HAVE A LAWYER:** Please read these preferences carefully as they are intended to answer many basic questions and inform you how (and when) to contact the Judge's office to schedule hearings, and how your case will be handled in this section. The Judicial Assistant cannot answer your legal questions and will not explain your situation to the Judge. You will have an opportunity to speak to the Judge in Court. Judges and their assistants are forbidden from giving any advice 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 preferences.

The Clerk of Court has a Self Help Program for self-represented litigants in the Clearwater Courthouse, phone (727) 464-5150, 315 Court Street, Clearwater, FL 33756. The program staff are not lawyers or legal advisors for the self-represented party, nor are they to provide secretarial services for the self-represented party.

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.

The Community Law Program in St. Petersburg can be reached at (727) 582-7480.

Lawyer referral services can be contacted through:

Clearwater Bar Association at (727) 461-4880

St. Petersburg Bar Associations at (727) 821-5450.

Many Family Law forms and helpful information can be found at:

<http://www.jud6.org/GeneralPublic/RepresentingYourselfInCourt.html>

## NOTE REGARDING SERVICE ON PRO SE PARTIES

A self-represented party may provide opposing counsel an e-mail address for communication and coordination of scheduling matters. However, attorneys are reminded that unless the self-represented party serves a designation of a primary email address for service pursuant to Rule 2.516(b)(1)(C), Fla. R. Gen. Prac. & Jud. Admin., certifying service of any filing with the Court (including Notices of Hearing, Motions, etc.) upon the self-represented party via e-mail alone will **not** suffice and service upon the self-represented party must be made in accordance with Rule 2.516(b)(2), Fla. R. Gen. Prac. & Jud. Admin.

### COVID-19 and Court Hearings/Operations

The following temporary changes to the regular practice preferences shall take priority over the regular practice preferences and remain in effect indefinitely. These changes allow all parties to move forward with their cases while also protecting the public and court personnel. We appreciate your patience and understanding.

## HEARINGS & TRIALS

- We continue to conduct ALL hearings and trials. However, all hearings and trials, with the exception of domestic violence return hearings, shall be conducted by Zoom Video Conferencing or telephonic hearing. **Zoom is preferred, whenever possible.** The only “in person” hearings to be held in Section 23 of the Family Law Division of the 6<sup>th</sup> Judicial Circuit are those involving the immediate safety of a person, such as domestic violence return hearings.
- Scheduling. When coordinating hearings, please contact Judge Frayman’s Judicial Assistant at [section23@jud6.org](mailto:section23@jud6.org) to request hearing time. **Your email should include:**



your case number, motion to be heard, date the motion was filed, length of hearing requested, and which party you represent. If the hearing will be via Zoom, the Judicial Assistant will provide a Meeting ID and password to include in the notice as well as instructions for how to participate in a Zoom audio/video conference. If the hearing will be telephonic only, the Judicial Assistant will provide call-in information, including a conference call line (if necessary). All persons wishing to attend a telephonic hearing, including court reporters and witnesses, must do so by calling the hearing line at (727) XXX-XXXX.

- Notary

- **Witness Identification.** Pursuant to the administrative orders currently in effect, the Court will swear in witnesses (provided the witness is in Florida or consents to be sworn in Florida) provided the witness can be “positively identified.” An attorney, sufficiently familiar with a witness, may aver to the witness’ identity, or the witness may show his/her driver’s license to the camera during a video conference to establish positive identification. The Court cannot swear in a witness using only telephonic communication.

- **Documents.** Pursuant to the administrative orders currently in effect, Florida Family Law Forms requiring a notarized signature do not need to be notarized provided they are verified by a signature and include the following statement “Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.” This exception does not apply to Marital Settlement Agreements and any other family law form that transfers the ownership of property. Florida Supreme Court Administrative Order No. AOSC20-23, as amended.

- **Orders & Judgments.** Routine Orders and Uncontested Final Judgments may be uploaded to JAWS, with a cover letter, for review and execution by the Court. All other Orders and Judgments must be submitted in pdf and Word to the section email ([section23@jud6.org](mailto:section23@jud6.org)) and shall include all email addresses for service of conformed copies. If a party has not designated an email address, then their mailing address should be included in the service section of the Order. Please make sure to provide opposing counsel/party a copy of any proposed order prior to submission and provide a reasonable time (no less than 5 days in the absence of an emergency) to respond. Make sure to include the case number in the electronic document name for any order submitted to the Court (e.g. 22-#####-FD Order on XXXX).



## GUIDELINES FOR ZOOM/TELEPHONIC HEARINGS

- This is not a meeting. This is a court hearing. Dress and behave as if you were attending court in person. The same rules apply. Pay attention to the time, as there are likely other hearings following yours and the hearing will need to conclude on time.
- Prior to the hearing:
  - Position your camera at eye level or slightly above eye level and, when speaking, remember to look directly at the webcam not at the screen.
  - Be mindful of what is behind you and/or your background as your room is viewable by other participants.
  - Check the lighting. Ideally, place a lamp or window behind the camera allowing light to illuminate your face. Light from a window behind you or from above you may cause you to appear in shadow.
- **It is the responsibility of counsel, prior to the scheduled hearing, to ensure that the attorney, client, and all witnesses: (1) have access to Zoom; (2) have access to the exhibits as to which they will testify; and (3) are familiar with the use of Zoom and these guidelines.**
  - With rare exception, it is the responsibility of a party desiring a formal record to obtain and provide a court reporter for a hearing. NO PARTICIPANT other than the Court is authorized to record the proceeding. Use of any recording of the proceeding by anyone other than the Court to prepare an official transcript 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.
  - At the start of the hearing all participants will be in a virtual waiting room. The presiding judge will admit the parties, counsel, and court reporter, if any, at the start of the virtual hearing.
  - Please “rename” yourself on Zoom to show your actual name, so others may identify you in the hearing. It is preferable for each participant to have their own access, however, if you are sharing access with another participant, please identify all such persons in your Zoom name.
  - Non-party witnesses will be left in the waiting room until such time as they are “called” to testify, at which point they will be admitted to the virtual hearing room.
  - In the absence of a Court order, in advance, minor children are not permitted to attend, or be present in the room for, virtual hearings. Participants shall take all reasonable steps to ensure minor children are not exposed to the proceedings. Participants may use headphones to assist in shielding children from a hearing.
  - Participants should speak one at a time and pause prior to speaking in case of audio/video lag for other participant(s).
  - Participants should mute themselves when not speaking in order to avoid potential background noise.
  - When speaking to another participant, address that participant by name each time.



- The Court will open “breakout rooms” as appropriate when counsel requests an opportunity to confer separately with a client and/or where counsel for all parties want to speak to the Court outside the presence of the parties/witnesses akin to a sidebar conference.
- Participants will be able to use the “chat” feature to communicate directly with other participants. **PLEASE NOTE** – be sure to select only the correct recipient for your message or you risk sharing your chat with everyone on the conference – including the other side and the Judge.
- To provide proof of Florida residency for a dissolution of marriage, you may: (1) file a copy of your Florida Driver’s License, Florida ID Card, or Florida Voter Registration Card with the name and issue date legible; redact all other information; (2) show one of these items to the Court during the hearing; or (3) file an affidavit of corroborating witness.
- You will be permitted to share your screen, or request the Court to do so, to show a documentary exhibit which has been previously disclosed.
- If a party/attorney has an evidentiary objection, they should state “objection” in a loud, clear voice, followed by a short statement of the legal basis of the objection. Speaking objections are not permitted; if the Court requires argument, you will be advised. All other speakers should pause and allow the Court to address the objection before continuing.

## EXCHANGING EVIDENCE FOR A VIRTUAL HEARING

A party may exchange evidence for any virtual hearing using the following (as further described below): (1) cloud service; (2) e-mail; or (3) paper exchange.

Regardless of the chosen method, counsel shall ensure that each witness receives copies of the documents that witness will need for testifying no later than three (3) days prior to the hearing to ensure that the witness is able to open and view the exhibits for use at the hearing.

At the conclusion of any proceeding during which evidence is admitted by the Court, counsel for the party admitting any evidence, or that party if unrepresented, shall upload documentary exhibits to JAWS along with a certification that the exhibit conforms in form and substance to the evidence admitted in the proceeding. Any non-documentary exhibits, such as audio and/or video recordings, shall be copied onto storage media and filed with clerk with a similar certification. In the alternative, counsel may upload a schedule of admitted exhibits to the Court’s Order queue on JAWS for the court to sign and certify that the list of admitted exhibits accurately reflects the record in the case.

### **CLOUD SERVICE EXCHANGE:**

*(The preferred method for Judge Frayman’s section)*

At least three (3) business days before the hearing, each side should upload and share a link to all of their proposed exhibits for the hearing to a cloud storage service such as Dropbox,



Google Drive, Microsoft’s OneDrive or similar service. The parties should be able to share the contents of a folder from the cloud service directly to the other participants and the Court using their email contact information. The parties must ensure that no other party will be required to sign up for the cloud service in order to access the shared files. Each exhibit shall be pre-marked and saved as a separate .pdf file (naming convention shall be Petitioner’s/Respondent’s Ex. 1- Brief Description). All parties and attorneys should be copied on any communication generated during the share process. Counsel for each party shall verify with their respective client that the client is able to open the exhibits and view them for use at the hearing.

**E-MAIL EXCHANGE:**

At least three (3) business days before the hearing each side should send an e-mail to all counsel and their respective parties, copying [section23@jud6.org](mailto:section23@jud6.org), with their proposed exhibits for the hearing. The documentary exhibits should be in the above described format. All parties and attorneys must be copied on each of these e-mails. Counsel for each party shall verify with their respective client that the client is able to open the exhibits and view them for use at the hearing.

**PAPER EXCHANGE:**

If you elect to exchange evidence by paper, you may prepare a binder of exhibits and provide a copy to all participants in advance of the hearing. Parties wishing to use paper evidence are responsible for ensuring a binder is provided to the Court and ALL parties/counsel at least 5 days prior to the hearing. **The binder must be received at least 5 days before the hearing.** Documents not timely exchanged will not be considered by the Court at the hearing. *PLEASE NOTE – due to COVID-19 pandemic concerns, paper exchange is NOT preferred by the Court as it offers the greatest potential for exposure by a party, court or clerk employee, or other person. Accordingly, paper exchange should be considered a method of last resort.*

The Court requests each side create and share an index of the exhibits they intend to offer into evidence, listing each item with specificity with space for identification and notation for admitted/excluded. For example:

Ex. No.	Exhibit Title/Description	Identified	Admitted
P-1	Petitioner’s Financial Affidavit dated xx/xx/xx	_____	_____
P-2	Petitioner’s 2019 W-2	_____	_____



## MEDIATION

Mediation may be conducted by audio and/or video technology methods. No one is required to participate in an in-person mediation. However, per Sixth Judicial Circuit Administrative Order, parties are still required to mediate their cases.

## PARENTING CLASS

Due to the current Covid-19 pandemic, the statutorily required parent education and stabilization class (see more information below) may be taken online without the requirement of a motion and order approving online attendance.

*End of Additional COVID-19 and Court Hearings / Operations Section*

## ADDITIONAL RESOURCES FOR COVID-19 AND POST COVID-19

**Florida Family Law Rules of Procedure:** Since March 16, 2017, stand-alone Family Law rules have been in effect, which no longer refer back to the Florida Rules of Civil Procedure. Parties should be familiar with the [Florida Family Law Rules of Procedure](#).

**Florida Rules of Judicial Administration:** Counsel and parties should also be familiar with the [Florida Rules of General Practice and Judicial Administration](#).

**Family Law Forms:** The Florida Supreme Court has approved numerous forms for use in Family Law proceedings, which can be downloaded at the following site: [flcourts.org](http://flcourts.org) – [Family Law Forms](#). 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.”

**Florida Statutes:** All parties, and counsel, should be familiar with the provisions of the Florida Statutes pertaining to their case.

### Regular Practice Preferences

(Governing Court Hearings/Operations in the Absence of an Overriding COVID-19 Preference)

## COURTROOM CONDUCT AND BEHAVIOR

**All courtroom proceedings shall be conducted with dignity, decorum, courtesy and civility.** Please consider the following guidelines:



1. Dress appropriately. Court business is important. Show respect for the Court by dressing appropriately and wearing clean clothes. Coats, ties, suits and dresses are welcome but not required by the parties. Shorts, t-shirts, tank or halter tops, undershirts (as outerwear) and hats are not appropriate and should not be worn to court.
2. Be truthful in all statements that you make to the court. False statements under oath constitute perjury which is a criminal offense.
3. Be courteous. Other than to make an appropriate objection, do not interrupt another speaker. If you are representing yourself and you have an objection to something a witness says, say "Objection" and the Court will allow you to explain the basis of your objection.
4. A court proceeding is not a free-for-all. A party called as a witness must answer only the question asked and may not volunteer information or make argument while testifying. **DO NOT** interrupt a judge when they are speaking. Interruptions will not be tolerated and may be sanctioned by the Court. Do not start an argument with or threaten anyone.
5. Treat all court personnel with respect, including court deputies, judicial assistants, clerks, court investigators, judges, general magistrates, and hearing officers.
6. Do not make faces or gestures at the opposing party, his/her attorney, witnesses, or the judge while in the courtroom. The way you conduct yourself will likely impact the way you are perceived by the court and may affect the outcome of your case.
7. Do not bring children to the courthouse (except in adoption cases), without an order from the court. Pursuant to Rule 12.407, Fla. Fam. L. R. P., no minor child(ren) shall be deposited or brought to court without prior order of the court.
8. Be aware that lay witnesses you bring to court are not usually allowed to remain in the courtroom while the case is being heard, unless and until that witness has completed their testimony before the court.
9. Bring to the hearing at least four (4) copies of any document (including photographs) you intend to offer into evidence, as well as any case law upon which you rely. All documents should be pre-marked with the case number, and a space for the judge to admit the document into evidence. All "sensitive" information should be redacted per the requirements of Rule 2.425, Fla. R. Gen. Prac. & Jud. Admin.
10. A "self-represented" party (also known as a "pro se" litigant, or "a party without a lawyer") should be afforded the same courtesies as another attorney in scheduling hearings,



depositions, and other matters, as well as in the review of any proposed order(s) prior to submission to the Court where possible. A “self-represented” party is not, however, entitled to special treatment or privileges and must follow the same Rules of Procedure and ethical guidelines that govern lawyers in practice in this section.

## TRIAL ETIQUETTE

**Courtroom Trials:** For trials in a Courtroom, parties/counsel should:

- (1) Request Permission to approach the bench or to approach the witness; and
- (2) Stand when making objections; and
- (3) Stand when speaking unless the Court allows otherwise; and
- (4) Do not address opposing counsel, witnesses, or parties by their first name or nickname.

**In-Chambers Trials:** For trials conducted in chambers, parties/counsel should:

- (1) Sit as directed by the bailiff – typically with the attorney in the seat closest to the Judge, the party in the middle chair, and any witness testifying sat at the end of the table.
- (2) Remain seated throughout the hearing, including when making objections.

**In General:**

- (1) Do not engage in arguments or disputes with opposing counsel, parties, or witnesses; and
- (2) All argument is to be directed to the court and not to opposing counsel; and
- (3) Strive NOT to make “speaking objections.” Announce your “Objection” and provide the basis for your objection upon request from the Court (which should be done in five (5) words or less). The Court will afford the opposing party the opportunity to respond to the objection (if appropriate) and if the Court feels it is necessary, additional argument will be solicited from either side prior to ruling upon the objection.
- (4) For tangible evidence, show the evidence to opposing counsel before showing the evidence to the Court or to the witness.

## MEDIATION

All post-judgment matters and temporary support and/or timesharing matters are automatically referred to mediation prior to a hearing.

All matters shall be referred for mediation prior to final hearing in an effort to resolve the disputed issues without court intervention.



The following hearings may be scheduled without prior mediation: civil contempt or enforcement of support; discovery related issues (seeking to compel production, objections to discovery/interrogatories, etc.); motions directed to the pleadings (seeking to amend, strike, default, dismiss, set aside, etc.); uncontested matters (name change, dissolution, etc.); and where the Court has entered an order allowing an exception based upon a hardship, emergency or other exigent circumstances pursuant to a written motion filed with the Court.

## 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 four (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. Pursuant to § 61.21(5), Fla. Stat. all parties are required to complete the parenting class as expeditiously as possible and, unless excused by the Court, the Petitioner must complete the course within 45 days after the filing of the initial petition and the Respondent must complete the course within 45 days of receiving service of process of the initial petition (or 45 days of an adjudication of paternity).

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

## OTHER MANDATORY ITEMS

Per Fla. Fam. L. R. P. 12.285(a)(1), filing of Financial Affidavits may not be waived even if mandatory disclosure is otherwise waived by the parties.

Child Support Guidelines must be filed in all cases with minor children. Any request to deviate from the guidelines shall be in the form of a written motion with citation to statutory and factual support for the requested deviation. The best interest of the child standard does not apply to a request for a deviation from the guidelines, and the parents are not authorized to waive child support on behalf of their child(ren).

## OFFICIAL RECORD

If the proceeding is one for which the court is required to create a record, the Court will have the digital court reporter enabled. For all other proceedings, it is the responsibility of a party desiring a formal record to provide a court reporter at their own expense subject to later allocation by the Court.



## JAWS (Judicial Automated Workflow System)

ALL attorneys handling cases in this section should affiliate their email addresses with their cases on the Judicial Automated Workflow System (“JAWS”) **AND** add in the known email addresses for the opposing parties (or counsel if represented). The Court prefers, when possible, to render orders electronically via JAWS.

It is the moving party’s responsibility to confirm that all counsel/self-represented parties are in the JAWS database to ensure all parties receive e-mails regarding the scheduling and cancellation of hearings. Failure to comply with this procedure can result in the cancellation of your hearing. Additional e-mail addresses for notification may be added by staff.

## SETTING HEARINGS:

Motions must be e-filed with the Clerk of the Court and sent to opposing counsel/self-represented party prior to scheduling a hearing. Please contact the Judicial Assistant (Kristen at [section23@jud6.org](mailto:section23@jud6.org)) for available hearing times. All hearings must be coordinated with opposing counsel. Hearing times are not reserved and *the calendar fills quickly*. Please wait for confirmation from the Judicial Assistant prior to sending out a Notice of Hearing. Any request for hearing time in excess of two (2) hours will be reviewed by the Court prior to setting on the calendar.

The party setting a hearing is also responsible for providing a Notice of Hearing to all parties or their attorneys. Even where a default has been entered, all parties shall receive notice. If a hearing is not properly noticed, the matter will not be heard. NOTICE AND AN OPPORTUNITY TO BE HEARD are bedrock principles and the essence of due process. Please provide a courtesy copy of the notice of hearing by email to [section23@jud6.org](mailto:section23@jud6.org).

Cross-Noticing on another attorney’s time is strictly prohibited. IMPORTANT: Do not add a hearing or cross-notice a hearing without approval from opposing counsel and the Court. Any motion added or cross-noticed without approval will not be heard.

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 the Court **with a courtesy copy with the word “CANCELLATION” in the subject line e-mailed to [section23@jud6.org](mailto:section23@jud6.org)**.

## CASE MANAGEMENT

In a Dissolution of Marriage action, at a Case Management Conference, upon request of a party, or upon the Court’s own initiative, jurisdictional testimony may be elicited and an order confirming the jurisdiction of the Court may be entered.



## SETTING PRE-TRIAL CONFERENCES AND TRIALS

In most case, a Case Management conference is necessary to set a Pre-trial Conference and Trial. A Verified Checklist for Dissolution of Marriage must be filed and viewable online BEFORE scheduling a final hearing, including an uncontested final hearing. Contact the Judicial Assistant (Kristen at [section23@jud6.org](mailto:section23@jud6.org)) to request hearing time for a CMC. No motions will be heard at the Case Management Conference without prior approval of the Court. The attorney conducting the trial must attend the pre-trial conference in person, not by telephone. The parties must also attend the pre-trial conference. **It is assumed at a pre-trial conference that the case is ready to be tried, there are no pending motions, and discovery is completed.**

Should a pre-trial need to be reset, both parties must be in agreement in order to get a reset date without a hearing. Otherwise, a motion to continue should be filed and set for hearing.

The Court will strictly enforce its order setting pre-trial conference, which requires the parties to draft and file an appropriate Pre-Trial Memorandum – including exhibits such as a proposed Equitable Distribution Worksheet, Proposed Parenting Plan, Proposed Child Support Guidelines, Witness List, Exhibit List, and other documents – in advance of the Pre-Trial Conference. **As such, counsel and all parties are directed to pay close attention to the requirements of the order and to provide actual witness and exhibit lists without the use of catch-all categories, with the exception of rebuttal and impeachment evidence.**

## TEMPORARY RELIEF HEARINGS

Hearing time on the Court's calendar for temporary relief will not be reserved until mediation has been scheduled. Temporary relief hearings should not exceed (1) hour except under extraordinary circumstances. To expedite temporary relief hearings, proffers of evidence are strongly encouraged. True emergencies (as further detailed herein) are an exception.

## ADOPTION/NAME CHANGES

Files in these proceedings are reviewed by Court Counsel prior to the scheduling of a final hearing. If you believe your case is ready to be set for final hearing, e-mail [section23@jud6.org](mailto:section23@jud6.org) with the case number so that we may request a review. You will be notified if additional documentation is needed, or you will be notified with the date of your final hearing.

## PROPOSED ORDERS

Counsel are reminded that all orders go out over the Court's signature and, as such, counsel should be mindful to proofread all proposed orders prior to submission. The Court's preferred signature block is Evan G. Frayman, Circuit Judge. Routine and uncontested Orders may be



uploaded to JAWS in accordance with the below section entitled Agreed Orders. Where the Court renders an oral ruling and asks counsel to prepare a written order in conformity with the oral pronouncement, the proposed order should be submitted to the Court in WORD format via e-mail for review and revision rather than uploaded directly to JAWS, even if the opposing party/counsel has not objected to the form of the order. Make sure to include the case number in the electronic document name for any order submitted to the Court (e.g. 22-#####-FD Order on XXXX).

Agreed Orders: Except as set forth above, attorneys should upload agreed orders to JAWS in .pdf format in the work queue for the Judge's signature. **It is the responsibility of the attorney uploading the order to review and ensure that all other parties to the case entitled to receive a copy of the order are affiliated with the case in JAWS** such that the electronically conformed order will be sent to all parties.

In addition, if the opposing party is not represented by an attorney and has not otherwise served a designation of email for service, then the attorney uploading the proposed order must either:

- (1) Serve a copy of the electronically conformed order upon the self-represented party in accordance with Rule 2.516(b)(2), Fla. R. Gen. Prac. & Jud. Admin. **and** file a "Certificate of Service" with the Clerk detailing how and when a copy of the electronically conformed order has been sent to the self-represented party; **OR**
- (2) Reflect in the order that it is being sent to the self-represented party by e-mail through JAWS **and** via regular U.S. Mail (including the postal address) **and** provide the Court, **prior to uploading the order to JAWS**, with pre-addressed, stamped envelope(s) for distribution to all parties designated to receive the order by U.S. Mail. If not provided, the order may be signed and filed with the Clerk without copies being distributed and counsel will have to obtain copies from the Clerk of the Court (at their expense) for distribution, as it is counsel's responsibility to ensure that all parties receive copies.

Contested/Disputed Orders: If an order is not agreed upon, it may not be uploaded to JAWS for consideration. The proposed order should be submitted to the Court in WORD format via e-mail to [section23@jud6.org](mailto:section23@jud6.org), for the Judge to review/revise and execute. If a reviewing party has an objection to the proposed order, they should convey the objection to the drafting party along with any alternate proposed language. **DO NOT** call the Court or send a letter to object. The parties shall cooperate to attempt to resolve their differences. In the event the parties are not able to agree, the drafting party shall send an e-mail to the Judicial Assistant (copying all parties) with the words **DISPUTED PROPOSED ORDER** in the subject line, and should include a cover letter detailing the disputed provisions of the order. In addition, the



drafting party should attach to the e-mail the WORD form of the proposed order as well as a WORD form of the alternate language proposed by the objecting party.

Submission of proposed orders by paper/hard copies by attorneys is not permitted without prior approval, as it may lead to delayed consideration and entry of the proposed order.

Self-represented parties may submit agreed orders to the Court in WORD format via e-mail to [section23@jud6.org](mailto:section23@jud6.org), for the Judge to review/revise and execute.

**Proposed orders should adhere to the following guidelines:**

- (1) ALL proposed orders should be accompanied by a cover letter indicating if the parties are in agreement to the form and substance of the proposed order. **The Court DOES NOT hold orders pending objections** so the cover letter must indicate when and how the proposed order was sent to the opposing party/counsel for review and certify that (a) the opposing party/counsel is in agreement to the proposed order as written, (b) the specific objections of the opposing party/counsel, or (c) that at least five (5) days have passed since the proposed order was sent to the opposing party and no objection has been received **prior** to the party submitting the order to the Court. **Failure to include a cover letter and/or certification will result in the rejection of the proposed order.**
- (2) All proposed orders should be typed in 12-point, Times New Roman font and in WORD format.
- (3) Reference to the hearing date should be included in the proposed order and cover letter.
- (4) If a party is assigned to draft a proposed order from the hearing, it should be submitted to the court within fifteen (15) days. This provides adequate time for drafting and review by the opposing party. **A party may not object to a proposed order because they disagree with the ruling of the Court – objections to proposed orders should be limited to ensuring that the proposed order accurately reflects the Court’s ruling.**
- (5) Proposed Orders should **NOT** contain blanks for the Judge to fill in – other than the date and line for the Judge’s signature.



- (6) Proposed orders should not be submitted to the Court containing only DONE AND ORDERED and/or the Judge's signature on the last page. Some part of the body of the Order shall accompany the Judge's signature block.
- (7) The Judge will change any language or amounts in the proposed order that the Judge does not find appropriate.
- (8) DO NOT send unsigned proposed Orders to the Clerk of the Court.
- (9) Orders approving stipulations must be uploaded with the executed stipulation attached as an exhibit and referenced in the order, or the stipulation may be filed and the proposed order may incorporate the stipulation by reference with the date it was docketed by the Clerk of the Court.
- (10) All orders granting an attorney leave to withdraw shall include the client's last known address, telephone number (including area code) and e-mail address and the uploading attorney must affiliate the client's e-mail address with the case on JAWS prior to uploading the proposed order for entry.
- (11) Income Deduction Orders/Income Withholding Orders should be submitted contemporaneously with the relevant Order/Final Judgment. In drafting the Income Withholding Order please be mindful that "retroactive" support is not "past due" support, and be sure to double check your math to account for the Clerk's fees when completing the alternate payment frequencies. It is acceptable to indicate the Income Withholding Order applies to "All payors and/or employers" and then put "TBD by payor/employer" regarding all payor/employer specific information blanks on the Income Withholding Order.
- (12) All "child support orders," including Final Judgments of Dissolution of Marriage, SHALL include the "full name and date of birth of each minor child who is the subject of the child support order" pursuant to § 61.13(1)(d)1, Fla. Stat. Rule 2.425(b)(4), and (5), Fla. R. Gen. Prac. & Jud. Admin., provide for an exception to the redaction of this information as otherwise required by Rule 2.425(a), Fla. R. Gen. Prac. & Jud. Admin.
- (13) Do NOT send the same proposed order in multiple ways (e.g. a copy by U.S. Mail and/or by e-mail and/or by uploading on JAWS) as this may lead to confusion and/or entry of multiple orders addressing the same matters.



## MATTERS NOT REQUIRING A HEARING

A matter does not require a hearing and an order may be uploaded to JAWS if all parties are in agreement, a stipulation has been signed, or the Court has otherwise permitted in these preferences.

Some matters that do not require a hearing are as follows:

- Appointment of Special Process Server
- Stipulated Modifications
- Stipulated/Agreed Orders
- Substitution of Counsel – with stipulation **and** client consent
- Motion to Withdraw – with signed consent from client **and** non-objection of opposing party/counsel (*disfavored within 30 days of Trial and/or after a Pre-trial Conference*)
- Motion for Counsel to Appear Telephonically – limited to non-evidentiary hearings of 15 minutes or less

**Motions to Compel Without a Hearing:** A party may obtain an *EX PARTE* order compelling discovery without a hearing pursuant to local Administrative Order 2017-072 PA/PI-CIR when (1) a Motion to Compel alleges a complete failure to respond or object to discovery, (2) there has been no request for an extension, (3) the motion alleges that the movant has conferred with the opposing party (or counsel if represented) and has been unable to resolve the dispute. No fees or other sanctions may be sought in the *ex parte* motion nor granted in the *ex parte* order. The *ex parte* order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. *Please remember to adhere to the instructions set forth above for uploading proposed orders on JAWS – particularly if one party is not represented by an attorney.*

## TELEPHONIC APPEARANCES

**Telephonic Appearances for Non-Evidentiary Hearings of 15 minutes or less:** Pursuant to Rule 2.530(c), Fla. R. Gen. Prac. & Jud. Admin., attorneys are permitted to appear telephonically for any non-evidentiary hearing of less than 15 minutes in length without prior leave of Court. The *Notice of Hearing* must indicate the attorney's intent to appear by telephone and provide the telephone number for the Court to call at the appointed time. If multiple hearings are scheduled at the same time (such as on a UMC docket), the Court will address the parties present in Court before any telephonic attendees, so the Court may not call at the exact time of the scheduled hearing. If multiple parties are to appear from various locations by telephone, the scheduling attorney must arrange a conference call and provide the relevant call-in information to the Court and all parties by including it in the *Notice of Hearing*. If a non-scheduling attorney needs to appear by telephone, they must contact the Judicial Assistant at least three (3) days prior to the hearing, unless previously coordinated with scheduling counsel.



## EVIDENCE FOR USE AT HEARING/TRIAL

All evidence is to be exchanged no less than three (3) business days prior to trial OR prior to any evidentiary hearing unless otherwise specified by the Court or as the parties/counsel may stipulate. ALL evidence is to be pre-marked prior to its intended use by counsel/parties. The court will mark exhibits as received into evidence. ALL sensitive information must be redacted prior to the hearing and prior to submission to the Clerk.

## SUBMITTING CASE LAW TO THE COURT

The Court welcomes the submission of case law, with relevant high-lighting, that may assist the Court in deciding any matter. However, counsel/parties are cautioned to provide case law no less than 24 hours prior to a scheduled proceeding and to ensure that copies of the case law are provided to opposing counsel/parties in the same format as provided to the Court. Case law may be submitted to the Court via e-mail at [section23@jud6.org](mailto:section23@jud6.org) with the case number and title of the motion/proceeding included in the subject line.

## EMERGENCY AND EXPEDITED MATTERS

The Court cautions against the overuse of Emergency Motions and requests for Expedited Relief. **All motions must be filed with the Clerk of Court prior to the Court determining emergency and/or expedited status.** It is the accepted procedure in this Circuit that a Judge will review an Emergency Motion or Request for Expedited Relief the same day that it is filed.

Upon review, the Court may: enter an order granting the requested relief without notice and setting a return hearing; set an emergency or expedited hearing; set an expedited Case Management Conference; allow a hearing to be set and direct the moving party to contact the Judicial Assistant for available dates/times; direct a party to file a written response; deem the matter not an emergency, to be handled in the regular course of business; or take other appropriate action – including admonishing or sanctioning a moving party for improper use and/or abuse of the emergency motion process.

**Parties and/or Counsel seeking emergency relief are expected to** read, review and be familiar with *Smith v. Crider*, 932 So.2d 393 (Fla. 2<sup>nd</sup> DCA, 2006), *Loudermilk v. Loudermilk*, 683 So.2d 666 (Fla. 2<sup>nd</sup> DCA, 2007) and Rule 12.605, Florida Family Law Rules of Procedure, prior to the filing of any request for emergency, expedited and/or *ex parte* relief.



## RELOCATION

If a party is seeking to invoke the statutory provision entitling them to priority on the Court's calendar for a temporary relief hearing (within 30 days of filing the motion) or for a nonjury trial (within 90 days after the notice for trial), then immediately upon the filing of the motion or notice, the party shall copy the subject filing to the Judicial Assistant (Kristen at [section23@jud6.org](mailto:section23@jud6.org)) with the subject line RELOCATION REQUEST. The parties may be directed to attend mediation prior to any hearing/trial, however the Court will endeavor to abide by the statutory time frames, subject to extension for good cause.

## 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 rate. They should also make arrangements to meet prior to the hearing to discuss resolution and allow each other to talk with opposing experts. All fee awards 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.