

**HONORABLE ELIZABETH JACK**

Sixth Circuit, Family Law Division  
Section 23  
Pinellas County Courthouse  
315 Court Street, Room 471  
Clearwater, FL 33756

**Judicial Practice Preferences**

Last updated April 18, 2021\*

*\*These practices are subject to revision and improvement.*

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**Uniform Motion Calendar Dates/Times:** None presently set.

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## Generally

- These preferences are meant to be guidelines to promote effectiveness and efficiency.
- It is expected that all parties and attorneys will adhere to the Standards of Professional Courtesy for the Sixth Judicial Circuit. See AO 2013-075 PA/PI-CIR.
- It is expected that attorneys have read and will follow the Florida Bar Family Law Section “Bounds of Advocacy,” found at [www.familylaw.org](http://www.familylaw.org).
- Judge Jack welcomes suggestions to these preferences, and asks that suggestions be made at hearings as appropriate, or in a general manner by e-mail or at legal association meetings.

## Definitions as Used in these Practice Preferences

- CMC – Case Management Conference; a hearing where the status of the case is discussed.
- Counsel – an attorney.
- Duty Judge – a Judge assigned that day or weekend to handle emergency matters when the assigned Judge is unavailable.
- Hearing or Evidentiary Hearing – a hearing is the court time when a motion is discussed; if testimony and other evidence is presented, it is an “evidentiary” hearing.
- JA – Judicial Assistant.
- JAWS – the computer system that efficiently allows attorneys to send proposed Orders to the Judge for electronic signature, and the Judge to prepare and electronically sign, file and serve Orders.
- Motion – a written, filed document requesting relief.

- Movant – the party filing a motion, or the party requesting that a hearing be set.
- Party – one of the persons in the case (the Petitioner or Respondent). The word is sometimes used to refer to the litigant, but it can also be used more generally to refer to the attorney acting or speaking on behalf of the party. Each litigant is the “opposing party” to the other litigant.
- Pretrial Conference – the date when the trial date is selected, and the conduct of trial is discussed.
- Proffer – when a party or attorney merely states what they believe the facts are; a proffer is not proof, or evidence.
- Sua Sponte – when the Judge takes action on its own initiative.
- Trial – the hearing where the parties present evidence and argument on the petition and/or counterpetition (or other ultimate issues in a case), to allow the Judge to decide the Final Judgment.
- Pro Se Party – an unrepresented party.
- Zoom – the videoconference system used for hearings.

## Communication with Chambers

- You may call or email the Judicial Assistant (“JA”), Amber Leis, at her contact information above. Scheduling is done by phone or email.
- The JA is diligent about responding to all calls and emails but she is also quite busy. If the message is not urgent, she will contact you as soon as possible. However, if you are not contacted within a reasonable period of time, please follow-up by phone and/or email. Technology is not perfect, and JAs may or may not have coverage when they are out of the office. Also, we have found that emails have been randomly marked as “spam” or “junk” and were never received.
- The JA is typically available during normal business hours, excluding court holidays and vacation days. The JA may handle matters outside of these hours in her discretion, but she also might miss a call or email during these hours.

## Self-Represented Parties

- A party who does not have an attorney is called an unrepresented, self-represented, or “pro se” party.
- The JA is not permitted to answer legal questions, give advice, or explain a party’s situation to the Judge.
- A party’s opportunity to speak to the Judge happens in Court only.
- Communications by a Judge or court staff with only one party to a case are called “ex parte” communications, and they are not allowed under the rules.
- Substantive emails sent to the JA will be sent to the Clerk for filing if sent without a copy to the opposing party; they may be filed even if a copy was sent to the opposing party. Emails about scheduling are typically considered non-substantive.

- The Court and the JA cannot give legal or other advice to unrepresented parties. If an unrepresented party needs assistance, the following resources may be contacted:
  - Forms are available at: [www.flcourts.org](http://www.flcourts.org).
  - The Clerk of Court has a self-help program at:
    - Pinellas County Courthouse, 315 Court Street, Clearwater – 727-464-5150
    - St. Petersburg Judicial Building, 545 First Ave N, St. Petersburg – 727-582-7941
  - Other Legal Services may be available as follows:
    - Clearwater Bar Association lawyer referrals – 727-461-4880
    - St. Petersburg Bar Association lawyer referrals – 727-821-5450
    - Gulfcoast Legal Services – 727-443-0657 in Clearwater or 727-821-0726 in St. Petersburg
    - Bay Area Legal Services – 800-625-1757
    - Community Law Program – 727-582-7480

## Scheduling Motions for Hearing / Disputed Motions

- A party may request relief by filing a written motion. Most motions are not automatically set for hearing, and likely will not even be seen by the Judge when initially filed.
- A party should confirm with the opposing party that the party objects to the motion before setting it for hearing; many motions can be handled without the setting of a hearing if there is no issue in dispute.
- There are special considerations for the Court’s handling of certain types of motions; please review those sections in this memorandum:
  - Emergency Motions
  - Motions for Temporary Relief
  - Agreed-To Motions / Motions Not Requiring a Hearing
  - Discovery Disputes
  - Withdrawal of Counsel
  - Substitution of Counsel
  - Child Support Hearing Officer & General Magistrate Objections
- To set a motion for hearing, a party must call (or email) the JA for available dates and times. If there is a reason a hearing should be expedited and/or held before a certain date, the JA will make every attempt to accommodate the request, even setting the hearing early / late in the day, or over lunch.
- The movant should provide an accurate estimate for the length of the hearing; a party should not ask for less time than realistically needed in an attempt to set the hearing on an earlier date.
- The JA will provide options for dates; it is the movant’s responsibility to coordinate the date with the opposing party. The JA will not hold dates so coordination should be done as soon as possible after the dates are offered.

After a date is chosen by the movant and the opposing party, the date is NOT confirmed until the JA confirms the date is still available.

- During hearings, the Judge may be able to set hearing times for other hearings or motions.
- The Court strives to provide dates that make sense for the case; communication with the JA and/or the Judge on this point is critical and encouraged. Otherwise, the JA and/or the Judge will assume the date being set has a neutral (or helpful) effect on the case.
- A motion is “cross-noticed” or “piggy-backed” when it is added to another hearing date. This may be done ONLY WITH the agreement of the opposing party (and with notice to the Court), and with the understanding that the added motion may be continued or bifurcated if the Court runs out of time.

## Remote Hearings / Zoom Hearings

- Pursuant to current procedures due to the pandemic, all family law hearings (except injunction return hearings) are being held remotely until further notice.
- Division 23 is using Zoom for all remote hearings. For persons without computer access, Zoom allows parties to call in via phone only. All Zoom invitations contain both computer log-in and phone dial-in information.
- The Court has a HIPAA-compliant license for Zoom. All Zoom hearings will be set by the Court using its own Zoom account.
- Zoom meeting information is sent by the Court only to the attorneys or pro se parties; those persons must share the Zoom information with anyone they wish to attend the hearing. Also, since Courts are open to the public, the Zoom information must be placed on the notice of hearing filed with the Clerk (see below, regarding Notices of Hearings).
- No one may record a Zoom hearing without the Judge’s permission. This includes using another device to record audio or video, or doing “screen captures.” If recordings are made in violation of this rule, the Court will take appropriate action.
- All participants shall dress appropriately and behave as if they were in court, including using the mute button if needed.
- Participants will be left in the virtual waiting room until brought into the virtual Courtroom by the Judge. If the meeting has started and you are in the waiting room, trust that the Judge will let you in at the appropriate time.
- The Court allows all parties to screenshare.
- The Chat feature is active and may be used as needed. Please be cautious as any messages viewable by the Judge will be read into the record.
- Breakout rooms are available and may be used for attorney-client communications, attorney-attorney discussions, or side-bar conferences (which may become part of the record, upon request). These rooms are completely private and not monitored by the Court or third-party in any way.

## After a Hearing is Set / Notices of Hearings

- The movant (or the party requesting a CMC) must file a notice of the hearing with the Clerk, serve the opposing party, and e-mail a copy to the JA; this notice should include the title of the motion, the date the motion was filed, the Zoom information provided by the JA (including Zoom phone call-in numbers), and service information (details about how the notice was sent to the opposing party).
- The Court will provide the Notice of Hearing for these matters only:
  - Sua Sponte Case Management Conferences
  - Pretrial Conferences
  - Trials
  - (Some pro se motions, based upon the Court's discretion)

## MOTIONS: Emergency Motions

- Emergency motions must be filed with the Clerk. Although the Clerk often sends these to the Judge on paper, a party should not assume this will happen. A movant must ALSO email the emergency motion to the JA, and call the JA a short time later unless she responds to the e-mail confirming receipt. (Unfortunately, E-mails with emergency motions have gone to the Junk folder and were not immediately seen.) In other words, the movant MUST confirm the Judge's receipt of the motion or risk inaction!
- If the movant does not receive confirmation that the JA received the motion within a reasonable (or safe) period of time, he/she should contact the Clearwater Courthouse duty judge during business hours, or the weekend duty judge for relief.
- Duty Judge Information may be found here: [Sixth Judicial Circuit of Florida - Pinellas and Pasco Counties - Court Calendars \(jud6.org\)](http://jud6.org)
- Judge Jack will strive to take action quickly and, based on the specific case and issue, will either: set a hearing on an expedited basis; request a written response from the opposing party (and possibly rule without hearing); or, as permitted by law, rule without notice to the opposing party.

## MOTIONS: Motions for Temporary Relief

- All initial hearings on temporary relief matters MUST be mediated before hearing. See AO 2011-006 PA/PI-CIR. The fact that mediation already took place on the case as a whole is not sufficient unless the mediation specifically addressed the temporary relief requested.
- Per Judge Jack, all motions for temporary relief must contain a "statement of mediation status." The Court may refrain from scheduling the hearing until such a statement is provided. The statement should be that:
  - mediation on the temporary relief requested occurred and failed; or,
  - the matter is set for mediation on a certain date (the Court may choose to schedule the motion for a post-mediation date); or,

- explaining why the mediation requirement should be waived. (Judge Jack may grant this request but may require the attorneys to at least hold a phone conference prior to the hearing.)
- The Court may schedule a case management conference or a pre-trial conference prior to the hearing on the motion.
- At the hearing, proffers of evidence are strongly encouraged. The entire hearing may be by proffer if the parties agree to that.
- At the start of the hearing, the Court will likely ask:
  - Movant:
    - the specifics of the relief requested;
    - a proffer of evidence supporting that relief; and,
    - argument as to why the relief should be granted.
  - Opposing Party:
    - the specifics of any alternative relief suggested;
    - a proffer of evidence supporting that proposal; and,
    - argument as to why the relief should be denied and/or alternative should be adopted.
  - The Court may then work with the parties to identify the factual issues actually in dispute prior to taking evidence, in order to ensure that the hearing is completed in the allotted time.
- Florida case law recognizes that temporary relief hearings are abbreviated, discovery is usually incomplete, any relief granted is not final, and findings may be revisited in the final judgment; a hearing for temporary relief is not expected to be a discovery vehicle or a full-blown trial. With these principles in mind, and to help conserve the Court's limited resources, the parties are encouraged to reach agreement when possible, including as to what issues are in dispute.

## MOTIONS: Agreed-To Motions / Motions Not Requiring a Hearing

- The following motions do not require the setting of a hearing:
  - Stipulations between the parties (Judge Jack may set a CMC or hearing if she has questions);
  - Motions for Substitution of Counsel if signed by incoming counsel;
  - (Most) Motions to Withdraw if consent is signed by the client;
  - Motions to Appoint Special Process Server; and,
  - Final Judgments of Paternity when all issues have been resolved by signed agreement (Judge Jack may set a hearing if she has questions).
- Parties may upload agreed-to Proposed Orders to JAWS with a cover letter advising the Judge that the parties are in agreement.

## MOTIONS: Discovery Disputes

- Counsel disputing a discovery response should first send a good faith letter to the opposing party outlining the deficiencies in the responses. The good faith letter should provide for a reasonable response time, such as 10 days.

- Before setting a motion to compel for hearing, the movant should first contact the opposing party to attempt to resolve the matter. If there is no resolution, the motion must include the prior good faith letter as an attachment or Judge Jack may not set it for hearing.
- If a Motion to Compel alleges a complete failure to respond to (or object to) a discovery request, and no extension of time has been requested, Judge Jack may sign an ex parte order compelling disclosure within 10 days, without requiring a hearing. If sanctions are desired (including attorney fees), the motion must be set for hearing.

### MOTIONS: Withdrawal of Counsel

- Motions to Withdraw without written client consent must be set for hearing.
- Counsel will not typically be permitted to withdraw after a pretrial conference has been held.

### MOTIONS: Substitution of Counsel

- Florida Rule of Judicial Administration 2.505(e)(2) requires that the client agree IN WRITING to the request for a substitution of counsel.
- If the former and new attorney, and the client, have signed an agreement to substitute counsel, no hearing will be required.

### Uniform Motion Calendars

- The Court occasionally sets Uniform Motion Calendars, or “UMCs,” to handle short hearings, expected to take no more than 15 minutes. The JA will provide upcoming UMC dates upon request. No regular UMC days/times are currently set.

### Pre-Trial Conferences / Setting Trial Dates

- A request for a pretrial conference means that either there are no pending motions, or the parties are in agreement that no further motions will be heard.
- If the parties are in agreement that a case is ready for trial, one or both of them may contact the JA to set a pretrial conference. Judge Jack will look at the docket when signing the pretrial Order. If she has questions, she may schedule a CMC before the JA will set the pretrial conference.
- If the parties are not in agreement that the case is ready for trial, the party requesting a trial should file a notice that the case is ready for trial, and set a CMC or motion date.
- Typically, the JA will set the pretrial conference date only, and Judge Jack will set the trial date at the pretrial conference. If the parties are in agreement about the length of trial and generally when the trial should occur, they may ask the JA for a trial date; if there is difficulty finding the right date, the parties may prefer to set the trial date with the Judge so that all parties are looking at their calendars at the same time.

- In order to be productive, pretrial conferences require preparation. Judge Jack does require a Pretrial Memorandum, and the Trial Order that results from the pretrial conference is based on the Pretrial Memorandum. Examples of each follow these practice preferences.
- Parties should not prematurely schedule a pretrial conference just to reserve Court time; Judge Jack would prefer the parties set a CMC on an expedited basis.
- Per the Family Law Rules of Procedure, pretrial memoranda must be filed 72 hours or more prior to the pretrial conference. The parties may stipulate to a shorter time period without approval from the Court, but the memoranda must be provided to Judge Jack at least 24 hours in advance of the pretrial conference. If a party filed a Pretrial Memorandum more than two weeks prior to the hearing date (such as in advance of a previously scheduled pretrial conference), the party should e-mail the JA advising of the date when the memorandum was filed; otherwise, the Judge may not see the memorandum prior to the conference.
- The Court will typically not allow attorneys to withdraw after the pretrial conference.

## Conduct of Trial & Evidentiary Hearings

- Judge Jack will likely request an opening statement (even if brief) to frame the issues to be heard.
- After trial or hearing, Judge Jack will typically ask the parties to submit written proposed findings of fact and conclusions of law. If time allows for it, the parties may also choose to make oral arguments at the conclusion of trial; Judge Jack will likely also request written closings (although she may waive this upon request.)

## Submission of Evidence for Trials & Evidentiary Hearings

- Judge Jack requests that evidence to be used at trial or hearing be submitted on paper. If the documents are less than 30 pages total, or if specially requested, exhibits may be emailed to the JA for printing.
- For evidentiary hearings (not trials), evidence must be provided at least the day prior to the hearing by delivery to Judge Jack on the 4<sup>th</sup> floor of the Clearwater Courthouse. Deliveries must be made by 4:30pm to the bailiffs. (NOTE: If documents are given to the Clerk, they may take several days to reach the Judge.)
- For trials, a date will be set at pretrial for delivery of the exhibits to the Judge.
- An exhibit list (with the case style) must be provided with the exhibits if they number more than 4 items.
- Parties may use identical electronic versions of their exhibits to share on screen during the trial. Judge Jack does not typically perform the screensharing herself.

- The Court will accept thumb drives of recordings to be reviewed during the trial or hearing; recordings to be placed in evidence must be submitted in a form that the Clerk can accept.
- Permission may be requested/granted for email delivery of all exhibits (and we are working towards using more technology). But for several reasons, the Court and JA currently prefer receiving exhibits on paper; it is onerous for the JA to print them, they are easier to review at the hearing, and they can quickly be stamped by the Judge and sent to the Clerk.

### Submission of Memorandum/Case Law for All Hearings

- In the interest of making correct rulings, Judge Jack has no specific deadline for receiving case law prior to a trial or hearing. Her preference is to receive these submissions 24 hours or more of the hearing when possible, by email to her JA; if the submissions are voluminous, she would appreciate printed copies being delivered to chambers but does not require that.
- Judge Jack asks that such submissions be provided to the Court and the opposing party within a “reasonable” amount of time. If the opposing party needs additional time for research in light of the timing of the opposing party’s submission, the Court may grant that request.

### Special Masters / Specially-Appointed General Magistrates

- For complex or any cases, the parties may agree to use any attorney (with the Court’s approval) to preside as a Special Master/Specially-Appointed General Magistrate over some or all issues in the case. The parties must pay for that attorney’s services.
- Examples of issues that parties may wish to refer include: complex business valuations; property valuations; complex discovery schedules or disputes; complex equitable distribution issues; etc.
- Judge Jack encourages this option if the parties believe it will be helpful to the case.

### Minor Children – Testimony and Appearance

- Children should not be brought to hearings (or allowed to observe Zoom hearings) without approval from the Judge.
- Judge Jack will not automatically honor stipulations to allow children to testify.
- Motions to Allow Child Testimony should be filed and noticed, setting forth good cause for the request.

### Attorney’s Fees Disputes

- Judge Jack typically will take testimony as to entitlement during a trial, but will reserve as to the amount.
- Judge Jack may require the parties to mediate a fee dispute prior to hearing.

- Prior to hearing, the parties should exchange affidavits outlining the reasonable number of hours requested and the reasonable hourly fee.
- Fee affidavits are sufficient in lieu of expert testimony if both parties agree.
- Counsel must confer prior to the hearing to discuss resolution. Counsel must be permitted to speak with the opposing party's expert(s) if requested.
- All fee awards must meet the requirements of Florida Patients' Compensation Funds v. Rowe, 472 So.2d 1145 (Fla. 1985).

## Proposed Orders / Judicial Automated Workflow System (JAWS)

- Judge Jack frequently prepares her own Orders, especially after Case Management Conferences.
- Often, Judge Jack will ask the movant to prepare a proposed Order, particularly after substantive hearings. Proposed orders should be sent to the opposing party for review before submission to the Court. Judge Jack may request that proposed orders be emailed to her JA in Word format in order to allow for editing.
- Unsigned Orders should not be filed with the Clerk, but should be submitted for the Judge's signature via JAWS.
- If both parties agree to the wording of a proposed Order, they should submit it for Judge Jack's signature via JAWS, with a cover letter that the parties are in agreement with the wording of the proposed Order.
- If the parties disagree about the wording of a proposed Order, the movant's proposed order should be emailed to the JA, advising of the basis for the disagreement. The opposing party may submit objections to the proposed Order via email, and/or may submit an alternative proposed Order.
- If a party has difficulty using JAWS, they mail e-mail their proposed order and cover letter to the JA; the Judge will print, sign, serve, and file the Order with the Clerk.
- As mentioned under "Conduct of Trial," Judge Jack will typically ask the parties to submit written proposed findings of fact and conclusions of law after trial. These should be filed with the Clerk, and e-mailed in Word to the JA. If a party would prefer to provide a closing orally only, this will be allowed.
- JAWS now requires that the email addresses of parties be connected to the case in JAWS. For proposed Orders that she signs in JAWS, Judge Jack will NOT check to see that this has been done correctly. It is the responsibility of the party submitting the proposed order to ensure that all necessary parties are included in the JAWS e-mail list. Please note that JAWS and Odyssey are not connected; providing or updating email information in Odyssey does not update JAWS.
- NOTE: HOW JAWS LOOKS ON THE JUDGE'S SIDE - JAWS provides the Judge with a queue of proposed orders (and attached cover letters) that can become quite lengthy. Judge Jack checks her JAWS queue daily, and tries to keep it empty. It makes it much easier if the party attached the signed agreement and/or other relevant documents to the proposed Order because

then the Judge can quickly see the whole issue and sign the Order quickly; if not, the Judge must go to the docket and find the documents to which the proposed Order is referring. Also, when proposed Orders are entered BEFORE a hearing, Judge Jack has to make a mental note to not sign that Order yet and repeatedly remember that every time she looks at the Queue. In light of that, PLEASE do not upload orders in advance of the hearing; she may reject them merely directing you to re-upload them after the hearing. She may also reject proposed Orders that are in dispute, indicating they can be re-uploaded after the issue is decided. These procedures will help Judge Jack process your proposed Orders more quickly.

## Court Reporters / Digital Court Reporting

- Only the following family law hearings are digitally recorded by the Court:
  - Injunction hearings
  - General Magistrate Hearings
  - Child Support Hearing Officer Hearings
- If your hearing was digitally recorded, transcripts may be obtained by contacting Digital Court reporting, which can be found at the [www.jud6.org](http://www.jud6.org) website under Court Reporting.
- The Court does not provide court reporters (or digital recording for any hearings not listed above). If you want a court reporter present, you must arrange for that service with a private court reporter.
- Court reporters should be invited to attend Zoom hearings like any other participant.
- Parties should coordinate so that only one court reporter appears; either party may order a transcript from a court reporter.
- The Court does not require court reporters EXCEPT for Adoptions of Minors.

## Referrals to the General Magistrate / Child Support Hearing Officer

- The Clearwater Courthouse now has a full-time General Magistrate.
- Clearwater's General Magistrate is Arlene Stevens, a former Child Support Hearing Officer from the St. Petersburg Courthouse. Her assistant's email address is:
- Most cases in which both parties are pro se will be referred to the General Magistrate.
- General Magistrate cases are still in Division 23, but will proceed in front of Magistrate Stevens for recommendations. Judge Jack makes the ultimate decisions on these cases based upon the recommendations of Magistrate Stevens.
- Court staff automatically refers certain Child Support cases to the Child Support Hearing Officer, pursuant to case law. The Clearwater Child Support Hearing Officer is Joseph Flannery. Court staff will contact parties if he is handling a matter.

## Objections to General Magistrate / Hearing Officer Recommendations

- A party objecting to a recommendation of the General Magistrate or a Child Support Hearing Officer must provide a transcript of the hearing that was held.
- These proceedings are digitally recorded and saved. Transcripts may be obtained by contacting Digital Court reporting, which can be found at the [www.jud6.org](http://www.jud6.org) website under Court Reporting.

## Adoptions

- Adoptions are reviewed by the Court's Staff Attorney, Rachel Licona.
- Rachel Licona's email address is: [rlicona@jud6.org](mailto:rlicona@jud6.org).
- Once the Staff Attorney has approved setting a final hearing, the JA may be contacted for dates.
- If the adoption involves a minor, the movant MUST arrange for and pay for a Court Reporter. The Court cannot provide this service, or hold the hearing without a Court Reporter. Court Reporters should be invited to attend Zoom hearings like any other participant.

## Name Change Petitions / Hearings

- Name changes are reviewed by the Court's Staff Attorney, Rachel Licona.
- Rachel Licona's email address is: [rlicona@jud6.org](mailto:rlicona@jud6.org).
- Many name changes can be handled without a hearing, in which case the Staff Attorney will prepare an Order for Judge Jack. Orders can be obtained from the Clerk, certified, within 30 days of signature. Parties are urged to obtain certified copies within that time frame. After that, they are sealed and a party must file a motion to unseal the file to obtain certified copies.
- The Staff Attorney will determine if a hearing is required. In the event a hearing is needed, you will be notified to contact the JA for hearing time. Hearings are usually held because there are questions about the petition.

## SAMPLE: Body of Pretrial Conference Order

### ORDER SETTING AND DIRECTING PREPARATION FOR PRETRIAL CONFERENCE DATE

This Cause has come before the Court being at issue and ready for pretrial conference, pursuant to Rule 12.200. The pretrial is scheduled for:

DATE/TIME  
for 30 minutes

All parties and their Counsel are to appear at the pretrial conference, unless the Court orders otherwise. The pretrial conference shall be held via Zoom teleconference. The Court shall send a Zoom invitation via email, and the Court will prepare the Notice of Pretrial Conference.

### CONDUCT OF THE PRETRIAL CONFERENCE

- Each party shall be familiar with the evidence and have full authority to make disclosures of facts, make admissions, stipulate to undisputed facts, and waive technical requirements covering the admission of evidence.
- Witnesses who have busy calendars (such as experts and Guardian Ad Litem) should be invited to attend the pretrial conference for scheduling purposes. The Court will choose a trial date at the start of the hearing to limit their time at the hearing.
- No motions will be heard. All pending motions that the parties wish to have resolved shall be disposed of prior to this hearing, or they may be considered withdrawn or moot (unless said motions are interrelated with trial issues and are to be resolved in the Final Judgment).
- While non-substantial outstanding discovery issues and deadlines may be discussed at the pretrial, discovery should be substantially completed before the pre-trial conference is held.
- Counsel are to confer prior to the pre-trial conference to discuss the possible settlement of some or part of the case. The Court also asks counsel to reach agreement on any trial issues.
- The Court expects that the parties will file meaningful memorandums and be prepared. If the parties believe the pre-trial conference will be more productive at a later time, they may jointly request that the pre-trial date be cancelled or continued; the parties may contact the Court's Judicial Assistant at [section23@jud6.org](mailto:section23@jud6.org) to request an expedited case management conference ("CMC") if there are scheduling matters they would like to discuss before requesting a continuance.
- By requesting a trial date, Counsel are acknowledging that they and their clients will be fully prepared to try the case when scheduled, inclusive of all financial matters between Counsel and clients. Absent ethical issues, the Court will not hear motions to withdraw after the pretrial conference.

## MEMORANDUMS REQUIRED

The Court requires each party to prepare a pretrial memorandum. Per the Family Law Rules of Procedure, pretrial memorandums must be filed 72 hours or more prior to the pretrial conference. The parties may stipulate to a shorter time period without approval from the Court, but the memorandums must be provided to Judge Jack at least 24 hours in advance of the pretrial conference.

## CONTENT OF MEMORANDUMS

The organization of the memorandum follows the order in which these issues will be discussed, as well as the order in which they will be listed in the resultant Trial Order. A party may choose to write portions of the memorandum in narrative form if desired. A party may request this Order in Word format by emailing [section23@jud6.org](mailto:section23@jud6.org).

1. Trial
  - Advise of the expected length, and any scheduling considerations.
2. Trial Issues
  - Parenting Plan and Time-Sharing Issues
    - i. Provide information about what is being sought in terms of timesharing and parental responsibility. Identify any unique or key issues in dispute.
    - ii. Provide information about medical insurance, tax exemptions, stimulus funds, travel expenses, child care expenses, and any other such issues in dispute.
    - iii. Attach your proposed parenting plan with time-sharing schedule.
  - Child Support
    - i. Provide an overview of the child support issues in the case and whether future, retroactive, and/or arrears child support is at issue, and any other matters in dispute.
    - ii. Attach any and all proposed child support guidelines.
  - Equitable Distribution
    - i. Attach your equitable distribution worksheet.
    - ii. Provide information about the disputed issues, and provide proposals regarding the distribution of various assets, such as the marital home and other real estate. Advise of any valuation issues, and any disputes as to whether property is marital or non-marital. Advise of any pre- or post-nuptial agreements, and whether their validity or application is in dispute.
    - iii. Advise of the date of your most recent Financial Affidavit and advise of any related issues.
  - Alimony
    - i. Advise of the nature of alimony sought: permanent, rehabilitative, durational, or bridge-the-gap.

- ii. Advise of any issues in dispute, such as income imputation, vocational issues, or disagreement as to the marital lifestyle.
  - Attorney's Fees
    - i. Advise whether attorney's fees are being sought and if so, state the legal basis for that request. Advise whether some or all attorney's fees issues should be presented at trial.
    - ii. Summarize the amount of fees incurred through the pretrial, and the amount that will be needed through trial.
  - Other
    - i. Advise of any unusual or specific issues that are in dispute.
- 3. Pleadings
  - Advise whether any amendments are anticipated, and provide any necessary explanation.
- 4. Discovery
  - Provide information about the status of discovery, any unique discovery issues, and what specific discovery deadlines are desired.
  - Provide information about the status of depositions still to be taken.
- 5. Witness Lists
  - Attach a proposed witness list.
- 6. Expert Witnesses
  - Advise whether any experts are expected to testify (i.e. forensic CPA's; experts on business valuation; etc.)
  - The Court reminds the parties that only an expert may render an opinion at trial. To be permitted to do so, an expert must provide a deposition on the full extent of his or her opinion (unless it is otherwise ordered or agreed that a report will be used, etc.).
- 7. Exhibits
  - Attach a preliminary exhibit list.
- 8. Summaries
  - Advise whether you intend to provide any summaries, tables, schedules, or timelines, and describe them.
  - The Court encourages the use of such documents to expedite the trial, but they must be provided in time for the opposing party to review them for accuracy. Pursuant to Florida Statutes 90.956, a party shall give at least 15 days written notice prior to the trial or the summary will be excluded. The parties may shorten the time for the provision of notice by agreement.
- 9. Stipulations
  - Advise what stipulations are foreseeable. If certain facts are not in dispute, the parties may (and are encouraged to) stipulate to them to expedite the trial.
  - Advise whether you agree to waive ministerial witnesses and records custodians. [Such waiver does not operate as a waiver as to other objections (such as hearsay or relevance) unless the parties have agreed to that in writing.]

10. Court reporter

- Advise whether the provision of a court reporter should be discussed at the pretrial, or whether the parties intend to work this out themselves.

11. Memorandums of Law

- Advise whether the case raises any novel, complex, or heavily-disputed legal issues that the parties should brief in preparation for trial.
- Suggest a time-frame for the provision of any legal briefs if desired.

12. Mediation

- Advise the Court of the parties' attempts to mediate the issues in dispute, and whether any additional mediation for some or all of the issues may be helpful.

13. Other

- Advise the Court of any other matters or issues of relevance.

## SAMPLE: Body of Trial Order

*NOTE: This template includes various contingencies that might apply to a case.*

### ORDER SETTING TRIAL AND OTHER DATES

This Cause came before the Court for a pretrial conference held on \_\_\_\_\_. Present via Zoom hearing were the parties and their counsel.

Pursuant to Rule 12.200, Family Law Rules of Procedure, the Court ORDERS as follows:

1. Trial Date
  - DATE
  - Trials are presently being held via Zoom videoconference, set by the Court. The Court will send a Zoom calendar invitation, and will prepare the notice of hearing. Only one Zoom link will be provided for multiple day trials.
2. Trial Issues
  - The parties agree that the following issues are to be heard at trial:
  - Children
    - i. Parenting plan
    - ii. Timesharing
    - iii. Child support
      1. Future
      2. Arrears
      3. Retroactive
  - Equitable Distribution
  - Alimony
    - i. Permanent
    - ii. Rehabilitative
    - iii. Durational
    - iv. Bridge the Gap
  - Attorney's Fees
    - i. Entitlement
    - ii. Amount
    - iii. Reserve as to Amount
  - Other / Any unusual specific issues that need to be tried
3. Pleadings
  - No further amendments are anticipated or permitted.
  - The following amendments are permitted:
4. Discovery
  - All mandatory discovery shall be updated by \_\_\_\_\_
  - Specific additional discovery deadlines:
5. Witness Lists

- The parties shall exchange and file their witness lists by
6. Expert Witnesses
- No experts are anticipated.
  - Experts are anticipated on the following issues:
  - Experts must render their opinion in a report and at deposition. If he/she is not prepared to so and able fully explain how he/she arrived at that opinion, the witness will be precluded from testifying at trial.
7. Exhibits
- Exhibit lists shall be filed on
  - Exhibits shall be marked for identification, with an attached exhibit list for the Court to file with the Clerk after trial.
  - Such exhibits shall be:
    - i. Exchanged between the parties by whatever means they find agreeable on or before:
    - ii. Provided to the Court, marked for identification and in a binder with tabs if voluminous, to the 4<sup>th</sup> Floor of the Clearwater Courthouse by end of business (4:30pm) on or before:
8. Summaries
- The Court encourages the use of such documents to expedite the trial, but they must be provided in time for the opposing party to review them for accuracy. Pursuant to Florida Statutes 90.956, a party shall give at least 15 days written notice prior to the trial or the summary will be excluded. The parties may shorten the time for the provision of notice by agreement.
9. Stipulations
- The parties shall make every effort to stipulate to preliminary and uncontroverted factual or other matters, preferably in writing, to expedite the trial of this case. These stipulations can include any and all facts that are not in dispute.
  - The Court will inquire at the start of trial as to what stipulations the parties have reached.
  - The parties agree to waive ministerial witnesses and records custodians. Such waiver will not operate as a waiver as to other objections (such as hearsay or relevance) unless the parties have agreed to that in writing.
10. Court reporter
- The parties will confer as to the provision of and payment for a court reporter so as to not duplicate costs.
  - The Court will decide the allocation of costs for payment of the court reporter if requested.
11. Memorandums of Law
- The parties anticipate providing memorandums of law on these topics:

- The parties will exchange and provide these to the Court on or before:

12. Mediation

- The parties must mediate by
- The parties are encouraged to continue with any settlement efforts.

13. Other

14. Proof

- Witnesses, documents, and other exhibits that have not been disclosed in the pretrial memorandum, or in permitted amendments or subsequent filings in accordance with this Order, may be excluded from trial.

15. Failure to Comply

- Failure to comply with the requirements of this Order may subject the party and/or counsel to appropriate sanctions. Sanctions may include the striking of pleadings, refusal of the Court to award attorney's fees and costs, and any other sanctions deemed appropriate by the Court.
- All litigants must comply with this Order.
- Counsel shall not be permitted to withdraw prior to the Final Hearing.

## SAMPLE: Body of Notice of Hearing

Note: As with all documents filed with the Clerk, the Notice must contain the Case Style (Court Name and Division, Party Names, Case Number), as well as service information.

### NOTICE OF HEARING

TO:

X

X

Please take notice that the following hearing has been set:

CASE MANAGEMENT CONFERENCE  
PRETRIAL CONFERENCE  
TRIAL

Before the Honorable Elizabeth Jack, Circuit Judge, on the following date at the following time:

X

For the following amount of time:

X

The hearing will be via Zoom Teleconference ONLY. Participants may dial in by using the Zoom phone numbers if necessary.

**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.**

Zoom Information is below:

X