

HONORABLE JOSHUA RIBA

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Judicial Practice Preferences
Circuit Family
West Pasco Family Divisions E, N1, Q1, & Z1

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from the previous version are highlighted **)

Please note: Judge Riba's practice preferences are meant to be guidelines to facilitate the efficient movement of cases through the sections over which Judge Riba presides. These guidelines do not relieve anyone from adhering to statutory and/or procedural requirements. Additionally, these practice preferences are subject to change in light of the rapidly evolving limitations as a result of the COVID-19 Pandemic. Judge Riba will make every effort to ensure changes are made widely available and with as much notice as possible.

In an effort to facilitate the efficient and prompt processing of cases, Judge Riba prefers parties utilize electronic communication (e-mail) when contacting chambers.

Some forms are available through the Clerk of Court, the Pasco County Law Library, and online at www.flcourts.org. Bay Area Legal Services is available at 727-847-5494. Lawyer referral services can be contacted through the West Pasco Bar Association at 727-847-0374.

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Communication with Chambers:

- The Judicial Assistant is not permitted to answer legal questions, give advice, or explain your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.
- The Judicial Assistant is typically available from 8:30 AM – 12:00 PM and from 1:00 PM – 4:30 PM Monday through Friday, excluding court holidays. Although the Judicial Assistant may send communications outside of these hours, the Judicial Assistant may not respond to incoming communications.
- Communications and submissions of documents via e-mail are acceptable and preferred. However, all motions and pleadings must be filed with the Clerk of Court.
- Substantive ex parte communications sent to the Court, regardless of how they are sent, will be filed in the court file. Communications solely related to the scheduling of hearings are not substantive.

Mediation:

- Pursuant to Administrative Orders 2011-06 PA/PI-CIR and 2015-016 PA/PI-CIR, all initial hearings on non-emergency temporary relief matters in original petitions shall be referred to mediation prior to a hearing on the matter.
- All non-emergency post-judgment matters shall be automatically referred to mediation prior to a hearing.
- Either party may request a waiver of the mediation requirement by motion. Requests for a waiver of mediation should set forth good cause for the Court to waive this requirement.
- The Court, in its discretion and on a case-by-case basis, may waive this mediation requirement.
- Once mediation is concluded, a hearing may be set on the Court's calendar pursuant to the scheduling procedures contained in these guidelines. Hearings should not be set prior to mediation being held.
- The Court may schedule a case management conference or pre-trial conference prior to a hearing on the matter.

Review of Motions

- The Court cannot file motions on behalf of a party.
- Motions and other pleadings sent directly the Court, without also being filed with the Clerk of Court, may be submitted to the court file and considered as correspondence.
- The Court does not review the court file on every case. Typically, the Court only becomes aware that a pleading, motion, or other document has been filed when a party makes the Court aware of it or asks the Court to take some action.
- If you wish to file a motion, you must file it with the Clerk of Court first. If you wish the Court to review your motion or set a hearing on it, you must contact chambers.
- You may send a courtesy copy of your motion to the Court with a request that it be reviewed and/or set for a hearing.

Emergency Motions/Hearings:

- All emergency motions must be filed with the Clerk of Court *before* sending to the Court.
- The Court will not review or consider any emergency motion sent directly to the Court without being filed with the Clerk of Court first. Courtesy copies sent to the Court must include proof of filing.
- After an emergency motion is filed through the e-portal, the Clerk of Court will submit the motion to the Court for determination of emergency status and review.
- After review, the Court may enter an ex parte order without notice to the opposing party, schedule a hearing or allow one to be set on an expedited basis, seek a written response from the opposing party, or rule on the matter without hearing.
- If the Court schedules a hearing on an emergency or expedited matter, the Court will do so when time permits on the Court's calendar. Parties and attorneys should be prepared to attend any emergency hearing, in the manner and at the time, scheduled by the Court.
- A conflict with a hearing scheduled by the Court, whether by a party or their counsel, may not constitute good cause for the matter to be continued.
- If the Court schedules a hearing, the parties will be held to the amount of time allotted by the Court for the matter. This time shall be equally split between the parties.
- If the emergency hearing involves an issue related to support, current financial affidavits *must* be filed prior to the hearing. Failure to do so may result in the Court declining to hear the matter on an expedited basis.

Matters Not Requiring a Hearing:

- Some matters do not require a hearing, such as: stipulations between the parties; motions for substitution of counsel that are signed by incoming counsel, outgoing counsel, and client; most motions to withdraw as counsel (with signed consent of the client); appointment of special process servers; and final judgements of paternity where all issues have been resolved by signed agreement.
- A proposed order/judgement on a matter that does not require a hearing may be submitted to the Court if all parties agree or if a stipulation has been signed.
 - Refer to these practice preferences for the submission of proposed orders via e-mail or JAWS.
 - All proposed orders shall contain a cover letter indicating that the opposing counsel/self-represented party has reviewed the proposed order/judgement and agrees with the Court signing the proposed order.
 - If no cover letter or acknowledgment that the other party approves is provided, the Court may reject the proposed order.
 - The Court will file the cover letter in the court file with the signed order/judgment.
- If a party objects to the entry of a proposed order, the Court will require a hearing on the matter.

Hearings Seeking Temporary Relief:

- See Administrative Order 2011-006 PA/PI-CIR regarding mediation requirement for temporary matters.
- See also the “Procedural Requirements” section under the “Pasco Only” area at <http://www.jud6.org/ContactInformation/FamilyLaw.html>.
- Hearings on temporary matters *may*, upon agreement of the parties, be proffer hearings as agreed to by the local bar association. Proffer hearings will be held in accordance with these practice preferences (see below).
- If the temporary hearing involves an issue related to support, current financial affidavits must be filed prior to the hearing.

Proffer Hearings

- Local practice in Pasco County allows for “proffer hearings” on temporary matters.
- The only authority the Court is aware of permitting such hearings is from an Order dated 27 October 2015 and located within the “Pasco Only” section of the “Procedural Requirements” for the Family Law divisions on the Sixth Judicial Circuit website (see <http://www.jud6.org/ContactInformation/FamilyLaw.html>).
- Local consensus is that a proffer hearing consists of no witness testimony or other evidence submitted to the Court. Rather, counsel asserts to the Court what they anticipate the evidence to be, make their respective arguments based upon their recitation of the evidence, and the Court rules based solely upon the representation of the attorneys.
- The Court will allow proffer hearings in accordance with local practice, however only in temporary matters and only if *all parties and their attorneys* agree in writing in advance of *scheduling* the hearing (this stipulation must be filed *prior* to obtaining hearing dates).
- The hearing must be noticed as a “proffer hearing” and the written consents of all parties and attorneys must be attached to the notice of hearing.
- Three days prior to the proffer hearing, a temporary relief hearing memorandum must be filed by both parties and provided to opposing counsel/self-represented party and the Court.
- If the moving party fails to file the temporary relief hearing memorandum timely, the Court may cancel the proffer hearing.
- If the opposing party fails to file the temporary relief hearing memorandum, the proffer hearing shall proceed if desired by the moving party.
- Only one proffer hearing will be heard on temporary matters. All other motions will be evidentiary hearings.
- If a proffer hearing is held, the argument of counsel will be accepted as stipulated to by the opposing party and no further objections will be accepted.
- As the only persons to present information to the Court will be attorneys, the Court will permit a proffer hearing to be conducted telephonically.
- All other hearings shall be evidentiary hearings.

Uniform Motion Calendar:

- Judge Riba has a virtual “mass-motion” calendar, typically held Tuesdays from 10:30 AM until 12:00 PM.
- Currently this calendar is reserved for uncontested final hearings and matters the Judge pre-approves to be heard on the calendar.
- All hearings must be scheduled by the Court’s Judicial Assistant. No unscheduled matters will be heard.
- Only one Zoom link will be provided for this calendar; however, cases will be staggered to avoid confusion in the virtual courtroom. The Court will bring participants in at their specified hearing time.

Setting of Non-Emergency/Non-Expedited Hearing Times:

- At this time, the Court is not utilizing JAWS for scheduling of hearings.
- Except when authorized in emergencies, or as otherwise detailed in these practice preferences, the Court will not take action on a motion without a hearing.
- Motions must be e-filed with the Clerk of the Court and served upon opposing counsel/self-represented party *prior* to scheduling a hearing. The Court will not accept any motions not first filed with the Clerk. Although the Court will file correspondence in the court file, the Court will neither file nor serve motions for a party.
- *After* filing the motion with the Clerk, a party seeking to schedule a hearing must contact the Court’s Judicial Assistant via email or phone to obtain available hearing dates and times. Please obtain several dates/times as the proposed dates/times you will be provided will *not* be held and may no longer be available when you contact the office again to schedule the hearing.
- Parties seeking to schedule a hearing should do their best to estimate the amount of time required, as the Court may not allow additional time for the matter to be heard.
 - *Parties will be held to the time requested and that time shall be split equally between the parties.*
 - Failure to request sufficient time may result in the Court ruling on a matter with the evidence presented in the time allotted.
- All hearing dates/times must be coordinated with opposing counsel and/or opposing party if pro se.
 - It is not the Judicial Assistant’s responsibility to monitor exchanges of communication between attorneys or their legal assistants. Under those circumstances, please remove the Judicial Assistant from any email string and notify the Judicial Assistance once a date and time have been agreed to by the parties.
 - If, after three *separate, good faith* attempts to coordinate with the opposing party you do not receive a response, you may contact the Judicial Assistant to set the hearing. You must explain your unsuccessful attempts at coordination with the opposing party before the Court will schedule a hearing.
 - If the agreed-upon hearing time will result in an unnecessary delay, or if the parties are unable to reach an agreement regarding the hearing date or length of hearing,

the Court may schedule the matter for hearing or may set the matter for a case management conference.

- Upon the agreement of a hearing date/time, you must contact the office again to secure the hearing time on the Court's calendar. You must confirm your requested date and time with the Judicial Assistant. A phone message or un-replied to email is not sufficient confirmation that you will receive your requested time.
- After securing the hearing time with the Judicial Assistant, the moving party must serve a notice of hearing on all parties and file it in the court file.
- All notices of hearing must be served within a reasonable time before the hearing. A failure to file a notice of hearing, or a notice of hearing filed unreasonably before the hearing, may result in the Court continuing the hearing to another date.
- Parties may NOT cross-notice a hearing without the prior approval of *both* the Court and any other parties involved. The Court may elect not to hear a motion cross-noticed without Court approval.

After a Hearing is Set:

- After confirming a hearing with the Court's Judicial Assistant, filing the notice of hearing with the Clerk of Court, and serving a copy on the opposing party, a courtesy copy of the notice of hearing should be sent via email to the Court's Judicial Assistant.
- Please include accurate information in your notice of hearing, such as the Judge's name, full address of where/manner in which the hearing will be held, the correct telephone number and/or Zoom information (if provided), the time of the hearing, the length of time reserved, a list of the name(s) of the motion(s) to be heard, and the date(s) the motion(s) was/were filed.
- If an attorney or self-represented party wishes to add, delete, or otherwise change the matters to be heard at a set hearing, that attorney/self-represented party must notify, and obtain the consent of, both the opposing attorney/self-represented party and the Judicial Assistant.
- Even if a hearing was scheduled in an Order, the proponent of any petition/motion shall also file and serve a separate notice of hearing.
- Hearings may not be cancelled without prior consent of the Court and all parties. If a hearing is cancelled, a notice of cancellation of hearing must be filed in the Clerk of Court and a courtesy copy sent to the Court in a timely manner.
- **Hearings scheduled by order of the Court may not be cancelled by a party without prior written authorization from the Court.**
- The Court will allow the parties equal time at a hearing. Parties who fail to properly estimate the amount of time needed for a matter may be limited in the amount of time the Court permits them to litigate an issue.

Remote Hearings:

- In accordance with Florida Rule of Judicial Administration 2.530, Florida Family Law Rule of Procedure 12.451, current Administrative Orders of the Florida Supreme Court, and current Administrative Orders of the Sixth Judicial Circuit, it is the Court's preference that all hearings, except return hearings on ex parte injunctions for protection, continue to be held remotely.
- Any participant may request to appear remotely at an injunction return hearing, but should make arrangements sufficiently in advance of the hearing. The Court will allow hearings to proceed where the participants are split between in person and remote appearances. Parties should be prepared for this possibility.
- During remote hearings all persons will comport themselves as if they were appearing before the Court in person. The Court will admonish, mute, and/or remove from a hearing anyone who does not conduct themselves with appropriate decorum.
- Telephonic hearings will be reserved for hearings in which no testimony will be given (case management conferences, proffer hearings, status hearings, etc.). Judge Riba's dedicated telephonic conference line is (727) 815-7102. The line will be "dead air" until Judge Riba joins the conference.
- If a party/attorney anticipates that the Court will receive testimony at a hearing, the hearing **must** be scheduled via the audio-visual platform Zoom (see below).
- The Sixth Judicial Circuit provides a HIPAA-compliant license for Zoom. Zoom hearings shall be scheduled by the Court, utilizing the Court's Zoom account, and participants shall abide by Judge Riba's procedures below for Zoom hearings.

Zoom Hearings:

- Zoom meeting and login information will only be sent to attorneys or self-represented parties. It is the attorney's/self-represented party's responsibility to share the login information with clients, court reporters, witnesses, or anyone else who is to attend the hearing.
- It is also the attorney's/self-represented party's responsibility to share these guidelines with invitees and ensure their compliance.
- No unauthorized recording of remote hearings is permitted. This includes, but is not limited to, audio recording, video recording, or screen captures.
- All participants shall dress appropriately and govern themselves accordingly as if appearing in-person.
- Upon joining the meeting, all participants shall rename themselves, if necessary, so their identity is easily identifiable to the other participants. Participants should be cognizant of how they are identified as inappropriate names will be admonished and may be excluded to the virtual court hearing.
- Participants shall remain in the virtual waiting room until brought into the virtual courtroom.
- Judge Riba will control access to the virtual courtroom.

- Participants should be cognizant of their surroundings and background. Virtual backgrounds are acceptable, but should not be a distraction. Similarly, virtual backgrounds should not contain offensive images or messages.
- Participants should make their best efforts to limit background noise. Participants should keep themselves muted when not talking to avoid disruptions.
- Judge Riba will allow participants to share their screens for the viewing of exhibits and demonstrative aids. Judge Riba may terminate the sharing of anyone’s screen at any time.
- Judge Riba will allow the participants to utilize the chat feature to speak with one another. Participants should be conscientious about to whom they are sending messages to. There should be no ex parte communication by any participant with the Court. Any messages viewable by the Court will be shared with all participants and read into the record.
- Judge Riba allows the use of breakout rooms by participants. Breakout rooms are not monitored by the Court and, unless specifically requested by a party, do not become a part of any official record. Use of a breakout room may be requested by any participant and may be used for attorney-client conversations, attorney-attorney discussions, or sidebar conferences.

Proposed Court Orders/Use of the Judicial Automated Workflow System (JAWS):

Submission of Proposed Orders

- Pasco County utilizes the Judicial Automate Workflow System (JAWS). All parties on a case should be registered with JAWS.
- For assistance with JAWS, see <http://www.jud6.org/legalcommunity/JAWS/howto.html>.
- Generally, the moving party will prepare a proposed order for the Court’s review.
- Unsigned proposed orders shall not be sent to the Clerk of Court and should not be filed in the court file.
- Parties may submit proposed orders to the Court via JAWS or by e-mailing them to the Section e-mail address (crfamw1@jud6.org).
- Proposed orders submitted directly to the Court may be in either Adobe PDF or Microsoft Word format. Only these two formats are acceptable.
- Proposed orders uploaded to JAWS must be in Adobe PDF. JAWS can only accept files up to 10 MB. Larger files cannot be uploaded and must be reduced in size. JAWS also cannot accept certain files, including many with digital signatures. Parties may find that “printing” a PDF file as a new PDF file will resolve issues with uploading them to JAWS.
- Orders uploaded to JAWS will appear in the Court’s work queue for signature.
- When the Court signs an order in JAWS, the order and cover letter are filed directly with the Clerk of the Court. The order is automatically served upon all parties registered and case-connected with JAWS. As such, the Court may not provide attorneys or unrepresented parties with electronic conformed copies of orders filed in JAWS.
- Orders filed in JAWS may take several days to appear in the court file.
- If a proposed order is rejected, the party/counsel who submitted the proposed order may be required to submit a new proposed order to the Court.

Review by Opposing Party

- Unless otherwise informed in advance by the Court, the Court will not consider any proposed orders until the opposing party/counsel has had an opportunity to review it and lodge any objections.
- Proposed orders may not be submitted to the Court at the same time as communicating with the opposing party/counsel about the proposed order. The Court will not retain orders pending review by opposing party/counsel and those orders will be rejected.
- If there is no objection from the opposing party, the Court will sign the proposed order/judgment and file the cover letter with no further action.
- If the attorneys or parties are unable to agree on the wording of a proposed order, each attorney or party shall submit his or her own proposed order to the Court with a cover letter explaining their objections to the opposing party's proposed order. If possible, a transcript of the hearing should be sent along with the proposed order. The Court may require the objecting party to submit their proposed order within a specific amount of time or may schedule the matter for a hearing.

Cover Letters

- All proposed orders, regardless of submission method, **must** contain a cover letter.
- Any proposed order without a cover letter may be rejected.
- Cover letters shall contain the full names of the parties, case number(s), date of hearing (if any), and should indicate whether the opposing counsel/self-represented party agrees or objects to the proposed order.

Content of Orders

- The first paragraph of the proposed Order must indicate the date of the hearing (if any), the title of the motion/pleading upon which the hearing was held, the date of filing of the motion, who was present at the hearing, and the manner of appearance (in-person, telephonic, Zoom, etc.). If a party failed to appear at the hearing, please state the date the notice of hearing was served as well as the manner and location of service, and whether the halls were sounded.
- Proposed orders should contain no blanks for the Judge to fill in other than the date.
- Proposed orders should have numbered pages and the case style on each page.
- The Judge's signature line must not be its own page.

Pre-Trial Conferences:

- After a party files notice that a case is at issue, that party shall contact the Judicial Assistant to request hearing time for a pre-trial conference.
- The scheduling of pre-trial conferences shall be in accordance with the Court's practice preference for the setting of hearings.
- A pre-trial conference should not be scheduled if there remain pending motions or if discovery is not complete. The Court may not schedule a trial if discovery is outstanding or there are motions to be litigated.
- No motions will be heard at the pre-trial conference without prior approval of the Court.

- In scheduling a pretrial counsel, parties and attorneys are representing to the Court that they are fully prepared to try the case when scheduled, inclusive of all financial and contractual matters between counsel and client.
- Upon the setting of a pre-trial conference, the Court will enter an order setting the hearing. All parties must abide by the order setting pre-trial. Failure to do so may result in the pre-trial conference being continued or the matter not being set for trial.
- The attorneys who will actually conduct the trial must attend the pre-trial conference as familiarity with the case and the pre-trial conference statement is essential for a meaningful pre-trial conference. Failure of the trial attorney to appear at the pre-trial conference may result in the Court not scheduling the matter for trial.
- The parties must attend the pre-trial conference. Failure of a party to attend a pre-trial conference may result in the Court not scheduling the matter for trial.
- A non-jury trial will be scheduled at the pre-trial conference. All participants should be prepared to adequately estimate the time needed and their availability to schedule the trial date.
- The Court will prepare a Pre-Trial Order at the pre-trial conference. Failure to follow the Pre-Trial Order will result in the imposition of sanctions described in the Order.
- Attorneys will not be permitted to withdraw less than 30 days before trial, absent exigent circumstances or legitimate ethical issues. Accordingly, the Court does not contemplate allowing counsel to withdraw between the pre-trial conference and trial.
- The trial will be conducted and concluded within the time set at the pre-trial conference.

Evidence, Exhibits, and Case Law:

- Any party or attorney submitting evidence to the Court must be familiar with, and is responsible for following, the requirements of Florida Rules of Judicial Administration 2.420 and 2.425 as well as Administrative Order 2021-021 PA/PI-CIR. Nothing in these guidelines should be interpreted contrary to any Rule or Administrative Order.
- Any evidence or exhibit that a party wishes the Court to consider at a hearing must either be marked and filed electronically in the court file or submitted to the Court a ***minimum*** of two business days prior to the hearing where the evidence is anticipated to be submitted. It is suggested that submissions be made before that, as electronic exhibits filed in the court file may take longer than two days to be available for viewing.
- Failure to abide by this two-day requirement may result in exhibits being unavailable for the Court during a hearing. The Court's requirement for advanced submission of evidence/exhibits is a preference intended to ensure the Court's access to a party's proposed exhibits. This practice preference is not an exclusionary rule and is not a valid basis for an objection by a party to the submission of exhibits at a hearing.
- Parties may submit evidence/exhibits electronically directly to the Court for future submission at a hearing. However, the Court cannot file items in the court file for parties and will not print more than 25 pages of documents, in total, for any party. If the combined number of pages of electronic evidence/exhibits for any party exceeds 25 pages, that party ***must*** deliver a hard copy to the Court a minimum of two business days prior to the hearing where it is anticipated to be submitted.

- Any evidence or exhibits electronically filed in the court file or delivered to the Court less than two business days of the hearing, or evidence/exhibits submitted electronically directly to the Court in excess of 25 pages without a hard copy, may be unavailable for submission at the hearing.
- Electronic exhibits submitted directly to the Court must be in PDF format. The Court will *not* open files from remote storage locations (i.e. exhibits stored on thumb drives or other electronic media, Dropbox, Google Drive, etc.). Arrangements may be made with the Court ***in advance*** of a hearing for the submission and publishing of digital media exhibits (photographs, video recordings, etc.).
- ***It is the responsibility of the parties or their counsel to ensure that all exhibits have sensitive information redacted in accordance with Rules 2.420 and 2.425, Fla. R. Jud. Admin., and, if exhibits are filed directly in the court file, that they are accompanied by a notice of confidential information, if appropriate.***
- Nothing in these guidelines should be interpreted to alter any party's statutory or procedural responsibilities.
- Case law that a party intends to rely upon should be provided to the Court sufficiently in advance of any hearing to give the Court an opportunity to review it. **A courtesy copy should be provided to the opposing party.**
- If a Pre-Trial Order was issued in a case, the parties must abide by the requirements in the Pre-Trial Order regarding evidence, exhibits, and/or case law.

Motions for Rehearing, Reconsideration, and New Trials:

- Any such motion must be filed with the Clerk of the Court and a courtesy copy sent to the Court.
- **The Court may not review any such motion until notified by the moving party.** Such motions will not be set for hearing without first being reviewed by the Judge.
- If the Judge finds that a hearing is required, the Judicial Assistant will contact the moving party to schedule the hearing. The moving party will be required to follow the requirements for scheduling of a hearing contained in these practice preferences.
- If no hearing is required, the Court will rule upon any such motion in chambers.

Appearance/Conduct at Hearings:

- It is expected that all parties and litigants will adhere to Sixth Judicial Circuit Administrative Order 2015-052 PA-PI-CIR.
- All persons appearing before the Court shall be in appropriate attire. Shorts or sleeveless shirts are not permitted.
- Persons appearing remotely should be cognizant of their appearance and surroundings. Persons appearing via Zoom shall be dressed in appropriate attire for the manner of their appearance.

Testimony and Attendance of Minor Children:

- Children shall not be brought to court hearings, including injunction return hearings, without prior approval of the Court.
- Testimony from children is not permitted unless the Court grants permission.
- The Court will not automatically honor stipulations for a child to testify before the Court.
- Any request for a child to give testimony before the Court must be made via an appropriately-filed motion setting forth the good cause requesting the child's testimony. This motion must be heard prior to the anticipated testimony.

Substitution of Counsel:

- Florida Rule of Judicial Administration 2.505(e)(2) requires that the client agree IN WRITING to a request for substitution of counsel.
- Proposed orders approving the stipulation for substitution of counsel without the written consent of the client will not be considered.
- A party may consent to the substitution under oath before the Court and file their written consent at a later date, however the Court will not schedule a hearing solely on this matter.

Withdrawal of Counsel:

- The Court will consider proposed orders for withdrawal of counsel if accompanied by a motion and stipulation signed by all parties.
- If no signed stipulation is provided, a hearing will be required.