

HONORABLE LAURALEE G. WESTINE

7530 Little Road
Hearing Room 2G
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Judicial Practice Preferences
Circuit Family

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The Judicial Assistant is not permitted to answer your legal questions nor “explain” your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.

Some forms are available through the Clerk of Court, the Pasco County Law Library, and on line at fcourts.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.

Setting Hearing Times. Motions must be e-filed with the Clerk of the Court and sent to opposing counsel/self-represented party prior to scheduling a hearing. Contact the Judicial Assistant via email or phone for available dates and times. Keep in mind that the times and dates are not held. A phone message is not sufficient confirmation that you would like one of the available times. You must confirm your requested date and time with the Judicial Assistant. **All hearings must be coordinated with opposing counsel and/or opposing party if *pro se*.**

- **After three separate good faith scheduling attempts without response from the opposing party, the Court will move forward and set the motion for hearing.**
- **It is not the responsibility of the Judicial Assistant to coordinate dates with opposing counsel or monitor bickering between attorneys or their legal assistants. Under those circumstances, please remove the Judicial Assistant from any email string and notify her once a date has been agreed to by the parties.**

IMPORTANT: *DO NOT cross-notice a hearing without prior Court approval. Any motion cross-noticed without Court approval may not be heard.*

Uniform Motion Calendar. Hearings not anticipated to take more than 15 minutes, such as uncontested final hearings, name changes, routine Motions to Compel or other discovery issues, Motions for Default, Motions to Withdraw, etc., may be set on the Uniform Motion Calendar. The Uniform Motion Calendar is not meant for contested or evidentiary hearings. Generally, the Uniform Motion Calendar is Tuesday mornings.

Attending Hearings by Phone. This may be allowed under certain circumstances. Refer to Judicial Administration Rule 2.530.

After a Hearing is Set. After filing with the Clerk of Court a courtesy copy of the Notice of Hearing should be sent **via email** to the Judicial Assistant. Please include accurate information in your Notice of Hearing, such as the Judge's name, full address of where the hearing will be held, time of the hearing, length of time reserved, a list of the name(s) of the motion(s) to be heard, and the date(s) the motion(s) 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, the parties/attorneys involved and the Judicial Assistant must be notified and in agreement. A Notice of Hearing shall be filed and emailed to the Judicial Assistant even if the hearing was set within the body of an Order, as it helps keep everyone involved aware and facilitates docketing. ***Do not cancel your client's hearing without notification of all parties.*** The Judicial Assistant **must** be notified in a timely manner by telephone, or email, and a Notice of Cancellation of Hearing must be filed with the Court.

Pre-trials. After filing notice that case is at issue, contact the Judicial Assistant to request hearing time for a pre-trial conference. No motions will be heard at the pre-trial conference without prior approval of the Court. The attorney conducting the trial must attend the pre-trial conference in person, not by telephone. Familiarity with the file and the pre-trial conference statement is essential for a meaningful pre-trial conference. The parties must also attend the pre-trial conference. **Pre-trial memos are OPTIONAL.**

It is assumed at pre-trial the case is ready to be tried, that there are no pending motions, and discovery is completed. Trial will not be set if there are outstanding motions or discovery. The non-jury trial may be scheduled at the pre-trial conference or through the Judicial Assistant at a later date. An attorney will not be permitted to withdraw less than 30 days before trial, absent exigent circumstances. In requesting a trial on the Court's calendar, counsel have acknowledged that they and their clients will be fully prepared to try the case when scheduled, inclusive of all financial matters between counsel and client. Accordingly, absent ethical issues, the Court does not contemplate allowing counsel to withdraw between pre-trial and trial.

Temporary Hearings. See Administrative Order 2011-006 PA/PI-CIR regarding mediation requirement. Hearings on temporary matters shall be proffer hearings and shall be noticed as "proffer hearing," as agreed to by the local bar association.

Three days prior to the proffer hearing a Temporary Relief Hearing Memorandum must be filed by both parties and provided to opposing counsel/party and emailed to the Judicial Assistant. If the requesting party fails to file the Temporary Relief Hearing Memorandum timely, the proffer hearing may be cancelled. If the opposing party fails to file the documents required by the Temporary Relief Hearing Memorandum, the proffer hearing shall proceed if desired by the requesting party. Only one proffer hearing will be heard on temporary matters. All other motions will be evidentiary hearings. See jud6.org, Court Programs, Family Law/Family Court, Procedural Requirements Pasco Only section.

Mediation. Pursuant to Administrative Order 2006-062 PI-CIR, all initial hearings on temporary relief matters in original petitions shall be referred to mediation prior to a hearing on the matter. In addition, all post-judgment matters shall be automatically referred to mediation prior to a hearing. Once mediation is concluded, a hearing may be set on the Court's calendar. Either party may request waiver of the mediation requirement by motion.

Emergency Hearings. All emergency motions must be filed with the Clerk of Court and emailed to the Judicial Assistant prior to the Court determining emergency status. After filing the motion through the e-portal, the Clerk of Court will submit the motion to the Court for determination of emergency status. After review, the Court may enter the order without notice, allow a hearing to be set on an emergency basis, or may seek a written response from the opposing party and rule on the matter without hearing. **Presently the Court hears emergencies on Mondays, Wednesdays, and Thursdays at 1:00pm or 4:30pm. Counsel should be prepared to attend any emergency hearing in person.**

Motions for Rehearing, Reconsideration, and New Trials. Such motions will not be set for hearing without review by the Judge. **Please submit a copy of the Motion to the Judge's office after it has been filed with the Clerk of Court** for entry of an Order. If the Judge finds that a hearing is required, the Judicial Assistant will contact the attorneys' offices and/or self-represented parties to schedule the hearing.

Matters Not Requiring a Hearing. A matter does not require a hearing and may be submitted electronically or by mail (**one or the other, not both**), if all parties are in agreement or if a stipulation has been signed. **The Court requires that all mail contain a cover letter stating that opposing counsel/pro se party has reviewed the proposed order/judgment, etc., and does/does not object.** If one side objects to a proposed order, the objecting party shall submit a written statement to the Court explaining their objection. If no cover letter is provided indicating approval by the opposing side, the Court will not take action.

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

- Appointment of Special Process Server
- Stipulated Modifications
- Stipulated/Agreed Orders
- Motions for Substitution of Counsel (signed by both incoming and outgoing attorneys and client)
- Motions to Withdraw (with signed consent from client)
- Final Judgments of Paternity (with all issues resolved by signed agreement)

Appearance/Conduct at Hearings. It is expected that all parties and litigants will adhere to Administrative Order No. 2009-066 PA/PI-CIR **RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT.** A party will not be permitted to appear in shorts.

Testimony from Children. Testimony from children is not permitted unless the Court grants permission after a hearing on a Motion to Allow Child Testimony. The Court will not automatically honor stipulations for a child to testify in Court. Do not bring children to hearings without prior approval.

Substitution of Counsel. Rule of Judicial Administration 2.505(e)(2) requires that the client agree IN WRITING. Proposed Orders Approving Stipulation for Substitution of Counsel without the written consent of the client(s) will be returned unsigned.

Withdrawal of Counsel. The Court will consider proposed Orders for Withdrawal of Counsel if accompanied by Stipulation for same signed by all parties. Otherwise, a Motion and hearing will be required.

Proposed Orders. Do not send unsigned proposed Orders to the Clerk of Court. Proposed Orders shall be sent to the Judge's office *by electronic mail or United States mail (one or the other, not both)*, with a cover letter which includes the full names of the parties and case number and should state that opposing counsel/party agrees or objects to the proposed Order. **Do not send proposed Orders to opposing counsel and the Court simultaneously.** The Court WILL NOT hold Orders pending objections.

If the attorneys are unable to agree on wording in an Order, each attorney should submit his or her own Order to the Court with a cover letter explaining the objections. If possible, a transcript of the hearing should be sent along with the Order. Sufficient copies for conforming and pre-addressed, stamped envelopes must be provided. Please be sure the envelopes are large enough to contain the documents being returned, and sufficient postage is affixed to the envelopes. If only an original proposed Order is submitted, no copies will be provided.

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 "Done and Ordered" and Judge's signature line should not be on a separate page. **The first paragraph of the proposed Order must indicate the date of the hearing, the title of the motion upon which the hearing was held, the date of filing of the motion, and who was present at the hearing. If a party failed to appear at the hearing, please state the date the Notice of Hearing was mailed or e-mailed, as well to which address the Notice of Hearing was sent, and when the halls were sounded.**