

HONORABLE SHERWOOD S COLEMAN
Judicial Practice Preferences for Circuit Family
Section 23
315 Court Street, Room 484
Clearwater, FL 33756
section23@jud6.org

IF YOU DO NOT HAVE A LAWYER: The Judicial Assistant cannot answer your legal questions, and will not explain your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.

The Clerk of Court has a Self Help Program for self-represented (pro se) litigants in Clearwater Courthouse, phone (727) 464-5150, 315 Court Street, Clearwater, FL 33756.

Other legal services:

Lawyer referral services through the Clearwater Bar Association (727) 461-4880
Gulfcoast Legal Services (727) 443-0657 in Clearwater and
(727) 821-0726 in St. Petersburg
Bay Area Legal Services (800) 625-2257
Community Law Program in St. Petersburg (727)582-7480
St. Petersburg Bar Associations (727) 821-5450.

It is expected that all parties and attorneys will adhere to ADMINISTRATIVE ORDER NO. 2013-075 PA/PI-CIR RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT.

Attorneys are expected to read and follow the Florida Bar Family Section “Bounds of Advocacy” that can be found at www.familylawfla.org.

COMMUNICATION WITH THIS OFFICE: The preferred form of communication for setting and cancelling hearings is by e-mail to section23@jud6.org. The following should be included in the email: case number, style of case, type of motion, length of hearing, and who you represent, as well as opposing counsel.

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. *Motions, etc. are not accepted through the e-filing portal.* Motions requiring a hearing time of **one (1) hour or more** require a short case management

conference or telephone conference with the Judge. Contact the Judicial Assistant at section23@jud6.org for available times. All hearings must be coordinated with opposing counsel. **Hearing times are not reserved, so please choose several dates when coordinating with opposing counsel because the calendar fills quickly.** Please wait for the Judicial Assistant's confirmation reply before sending out Notice of Hearing.

NOTICE OF HEARING: Ensure proper notice is sent to all. Even with defaults, ensure all parties are copied. Notice and opportunity to be heard are key concerns for the Judge. Cross-Noticing on another attorney's time is strictly prohibited. **IMPORTANT: DO NOT add a hearing or cross-notice a hearing without approval from moving counsel and the Court. Any motion added or cross-noticed without approval will not be heard.**

SUBMITTING NOTICES OF HEARING, PROPOSED ORDERS, PLEADINGS OR CASE LAW TO THE COURT: Please provide a courtesy copy of the Notice of Hearing either by regular mail or by email to section23@jud6.org. Copies of motions are not necessary as they are viewable online (unless instructed otherwise). Proposed Orders that are agreed upon by the parties can be submitted via email as a *WORD* document and a *PDF* document OR by regular mail together with a cover letter. The cover letter should state that opposing counsel/pro se party agrees or objects to the proposed Order or that opposing counsel/pro se party was given the opportunity to object to the proposed Order but did not. The Court does **NOT** hold Orders pending objections. Additionally, the cover letter must show all opposing parties were copied. If the Order is the result of a particular hearing, reference the hearing date in the Order and Cover letter. Please make sure to include copies of the Order for conforming and pre-addressed, stamped envelopes for all parties if you submit the Order by mail.

FAX POLICY: The Court requires all materials over ten (10) pages to be mailed or hand delivered. **DO NOT** fax without prior approval from the Court.

UNIFORM MOTION CALENDARS: Hearings not anticipated to take more than 10 minutes (Uncontested Final Hearings, Motions to Withdraw, etc.) may be set on these calendars. Motions to Compel may not be set on a UMC calendar.

MEDIATION: Pursuant to Administrative Order 2006-062 PI-CIR all initial hearings on temporary relief matters in original petitions shall be automatically 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 scheduled, a hearing may be set on the Court's calendar to occur after the mediation.

TEMPORARY MOTIONS HEARING REQUEST: See Administrative Order 2011-006 PA/PI-CIR. ALL temporary motions (i.e. custody, visitation, support, etc.) must be mediated prior to a hearing being held. Hearing time on the court's calendar on temporary matters will not be reserved until mediation has been scheduled. Temp hearings should not exceed one (1) hour except under extraordinary circumstances. To expedite hearing, proffers are strongly encouraged. True emergencies (see Emergency Motions) are an exception.

SETTING PRE-TRIAL CONFERENCES AND TRIALS: In most cases a Case Management Conference is necessary to set a Pre-trial Conference. Contact the Judicial Assistant to request hearing time for a Case Management Conference. 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. The trial will be scheduled at the pre-trial conference. Attorneys must bring their calendars to pre-trial conference.

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 Pre-Trial should be filed and set for hearing.

MARKING EVIDENCE TO BE USED AT TRIAL: ALL evidence is to be copied and exchanged 10 days prior to trial unless the attorneys/pro se parties stipulate otherwise. ALL evidence is to be pre-marked in advance of its intended use by counsel. The court will mark exhibits as received into evidence. ALL sensitive information should be redacted prior to hearing and submission to the Clerk.

EMERGENCY AND EXPEDITED MOTIONS: All Emergency Motions must be filed with the Clerk of Court prior to the Court determining emergency status. The Court does not receive motions through the Portal when you check "emergency". You must provide the Court with a copy of the motion. The emergency motion may be emailed. After review, the court may enter the Order without notice, allow a hearing to be set, may seek a written response from the opposing party, or take other appropriate action. *IMPORTANT: The Court will*

accept witness affidavit(s) one day prior to hearing and/or hear proffered testimony only to determine if a full hearing is needed.

CANCELLATION OF HEARING: 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 Court AND a courtesy copy of said Notice of Cancellation (with the word “CANCELLATION” only in the subject line e-mailed to section23@jud6.org.

TELEPHONIC HEARINGS: Telephonic hearings may be allowed under certain circumstances, as per Rule of Judicial Administration 2.530. Telephonic hearings must be approved by the Judge and noted in the Notice of Hearing. If more than one party will be appearing by phone it shall be the responsibility of the party setting the hearing to arrange a conference call, with the Judge being called last.

TESTIMONY FROM CHILDREN: Testimony from children is NOT permitted unless the Court grants permission after hearing 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 contested hearings without prior Court approval.

ADOPTIONS/NAME CHANGES: Adoption files are reviewed by the Court’s Staff Attorney prior to any final hearing being scheduled. If you believe your case is ready to be set for final hearing, e-mail section23@jud6.org with the case number so that we may obtain the Court file. You will be notified by the Staff Attorney if additional documentation is needed; or, you will be notified by e-mail with dates for a final hearing. NOTE: All final hearings on adoptions **must** have a court reporter present. A list of Court approved court reporters can be found on our website www.jud6.org under Court Reporting on the left-side of the screen.

MATTERS NOT REQUIRING A HEARING: A matter that does not require a hearing may be submitted by mail if all parties are in agreement or 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 and does not object. If no cover letter is provided indicating approval by the opposing side, the Court may take no 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 – see below
- Motions to Withdraw (with signed consent from client)-see below

MOTIONS TO COMPEL WITHOUT HEARING: When a Motion to Compel alleges a complete failure to respond or object to discovery, and there has been no request for an extension, an ex parte Order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the Order. The moving party shall submit the proposed Order, along with appropriate Orders and envelopes. NO sanctions will be awarded without a hearing.

SUBSTITUTION OF COUNSEL: Rule of Judicial Administration 2.505e(2) requires the client's WRITTEN consent. Submit the stipulation, consent and proposed Order with sufficient copies and self-addressed stamped business size envelopes directly to the Judge's office. Proposed Orders approving stipulations for substitution of counsel without the written consent of the client will not be signed.

WITHDRAWAL OF COUNSEL: The Court may consider Motions to Withdraw as Counsel, without requiring a hearing, so long as written consent by the client is provided, as well as the opposing party's non-objection thereto *unless the motion is filed after the pre-trial*. The proposed Order MUST contain in the body of the Order the complete contact information for the party (i.e. address, phone number, e-mail address, etc.). If you do not have the client's written consent, then the motion must be set for hearing with proper notice to the client.

PROPOSED ORDERS: Proposed Orders that are agreed upon by the parties can be submitted by email as a *WORD* document OR by regular mail - together with a cover letter. Orders should be typed in the promulgated *TIMES NEW ROMAN font, size 12*.

- As provided by the Standards of Professional Courtesy for the Sixth Judicial Circuit, the cover letter should state that opposing counsel/pro se party agrees or objects to the proposed Order or that opposing counsel/pro se party was given the opportunity to object to the proposed Order but did not.
- If you submit the Order by mail, please make sure to include copies of the Order for conforming and pre-addressed, stamped envelopes for all parties.

- The cover letter must show all opposing parties are copied with same. If the Order is the result of a particular hearing, reference the hearing date in the Order and cover letter.
- If there are disagreements/objections over a proposed Order, the parties must attempt to work them out before requiring further Court intervention. If the disagreements as to the form of the Order cannot be worked out, each side should submit a proposed Order with an extra copy highlighting the parts which are in disagreement together with a cover letter.
- The Court DOES NOT hold Orders pending objections. Additionally, the cover letter must show all opposing parties were copied.
- DO NOT call the Court or send only a letter to object. Send a proposed Order.
- Proposed Orders/judgments should NOT contain BLANKS FOR THE JUDGE TO FILL IN OTHER THAN THE DATE THE JUDGE SIGNS. PROPOSED ORDERS/JUDGMENTS CONTAINING BLANKS WILL NOT BE SIGNED.
- The Judge will change any language or amounts in the Order/judgment he does not find appropriate.
- The moving party shall bring a proposed Order to the hearing when appropriate together with pre-addressed, stamped envelopes. The non-moving party may provide a proposed Order as well.
- DO NOT send unsigned proposed Orders to the Clerk of Court.
- Proposed Orders/judgments should not be submitted to the Court that contain only 1) “DONE AND ORDERED...” and/or 2) the Judge’s signature on the last page. Some part of the body of the Order shall accompany the Judge’s signature block.
- Sufficient copies and stamped, pre-addressed business size envelopes must be submitted for each party IF the Order is submitted by regular mail. DO NOT staple envelopes to Orders. Orders with insufficient copies and/or stamped, pre-addressed business size envelopes may be filed with the Clerk without copies being distributed.

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 fee. They should also make arrangements to meet prior to the hearing to discuss resolution and allow each other to talk with opposing experts. Fee affidavits are sufficient in lieu of expert testimony IF all parties agree to their use. 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.

COURT REPORTERS: A digital court reporter is *only* provided by the Court for domestic violence hearings.