

HONORABLE JOSHUA RIBA

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New Port Richey, FL 33756

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

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Last Updated: 1 January 2021 (** substantive changes 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 widely available.

In an effort to facilitate the efficient and prompt processing of cases, Judge Riba prefers parties utilize electronic communication 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.

TABLE OF CONTENTS

(The headings below are clickable links)

Communication with Chambers	3
Mediation	3
Matters Not Requiring a Hearing	3
Remote Hearings	4
Zoom Hearings	4
Temporary Hearings	5
Uniform Motion Calendar	5
Proffer Hearings	6
Emergency Motions/Hearings	6
Setting of Non-Emergency/Non-Expedited Hearing Times	7
After a Hearing is Set	7
Pre-Trial Conferences	8
Evidence, Exhibits, and Case Law	9
Court Orders/Use of the Judicial Automated Workflow System (JAWS)	9
Submission of Orders	9
Review by Opposing Party	10
Cover Letters	10
Content of Orders	10
Motions for Rehearing, Reconsideration, and New Trials	11
Appearance/Conduct at Hearings	11
Testimony and Attendance of Minor Children	11
Substitution of Counsel	11
Withdrawal of Counsel	11

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. The Judicial Assistant may send communications outside of these hours, however the Judicial Assistant may not respond to incoming communications.
- Communications and submissions of documents via e-mail are acceptable and preferred.
- 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 temporary relief matters in original petitions shall be referred to mediation prior to a hearing on the matter.
- All post-judgment matters shall be automatically referred to mediation prior to a hearing.
- Either party may request waiver of the mediation requirement by motion. **Requests for 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 the 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.
- **The Court may schedule a case management conference or pre-trial conference prior to a hearing on the matter.**

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 with signed consent from client; appointment of special process server; and final judgements of paternity where all issues have been resolved by signed agreement.
- An 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.
- See below 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 is provided, the Court will reject the proposed order.
- The Court will file the cover letter in the court file with the signed order/judgment.
- **If a party objects, the Court will require a hearing on the matter.**

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, all hearings except injunction return hearings will be held remotely. Any participant may request to appear remotely at an injunction return 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 checks, 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.
- 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.**
- **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.

Temporary Hearings:

- 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.*
- 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 requesting 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 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.
- *If the temporary hearing involves an issue related to support, current financial affidavits must be filed prior to the hearing.*

Uniform Motion Calendar:

- As a result of the COVID-19 Pandemic and resulting operational restrictions, Judge Riba does not currently have a uniform motion calendar.

Proffer Hearings

- Local practice in Pasco County allows for “proffer hearings” on temporary matters.
- The only authority the Court finds for the allowance of such hearings is from an Order dated 27 October 2015 and located beneath 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.
- The hearing must be noticed as “proffer hearing” and the written consents of all parties and attorneys attached to the notice of hearing.
- 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 parties to present information to the Court will be attorneys, the Court will authorize a proffer hearing to be held telephonically.
- All other hearings shall be evidentiary hearings.

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.
- 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, allow a hearing to be set on an expedited basis, or may seek a written response from the opposing party and rule on the matter without hearing.
- As a result of the restrictions in place due to COVID-19, emergency hearings will be scheduled by the Court 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.
- If the Court schedules a hearing, the parties will be held to the amount of time allotted by the Court for the matter.
- If the emergency hearing involves an issue related to support, current financial affidavits must be filed prior to the hearing.

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

- 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.
- *After* filing the motion with the Clerk, the 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.
- 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 has 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 or are unable to agree on a hearing time, you may contact the Judicial Assistant to set the hearing.
- 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 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.
- DO NOT cross-notice a hearing without prior approval of *both* the Court and any other parties involved. Any motion cross-noticed without Court approval may not be heard.
- At this time the Court is not utilizing JAWS for scheduling of hearings.

After a Hearing is Set:

- After 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 the hearing will be held, the correct telephone number and/or Zoom information (**if provided**), 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, that attorney/self-represented party must notify, and

obtain the consent of, the opposing attorney/self-represented party and the Judicial Assistant.

- Even if a hearing was scheduled in an Order, the proponent of any petitioner/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.
- **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.**

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.
- 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.
- 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 a final hearing.**
- Pretrial memos are optional, but it is the Court's preference that each party prepare a pretrial memo prior to any final hearing in accordance with a pre-trial order.
- The non-jury trial will be scheduled at the pre-trial conference. All participants should be prepared to adequately estimate the time needed and 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. Accordingly, absent ethical issues, the Court does not contemplate allowing counsel to withdraw between the pre-trial conference and trial.

Evidence, Exhibits, and Case Law:

- Any evidence or exhibits 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.
- Parties may submit evidence/exhibits electronically to the Court for future submission. 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 the Court to receive into evidence 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 Rule 2.425 Fla. R. Jud. Admin. and, if exhibits are filed directly in the court file, they are accompanied by a notice of confidential information.**
- 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.
- **If a Pre-Trial Order was issued in a case, parties must abide by the requirements in the Pre-Trial Order.**

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

Submission of Orders

- 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.
- Pasco County utilizes the Judicial Automate Workflow System (JAWS). JAWS is the preferred method for the submission of proposed orders, **however parties may submit proposed orders to the Court by e-mailing them to the Section e-mail address.**
- For assistance with JAWS, see <http://www.jud6.org/legalcommunity/JAWS/howto.html>.
- Proposed orders may be submitted (**either by e-mail or JAWS**) in either Adobe PDF or Microsoft Word format.
- Orders uploaded to JAWS will appear in the Court's work queue for the signature.

- When the Court signs orders 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 with JAWS and case-connected. As such, the Court may no longer provide attorneys or represented parties with electronic conformed copies of orders filed in JAWS.
- If a proposed order is rejected, the party/counsel who submitted the proposed order will be required to submit a new proposed order to the Court.

Review by Opposing Party

- The Court will not consider any proposed orders until the opposing party/counsel has had an opportunity to review and lodge any objections.
- Proposed orders should 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, the Court will sign the proposed order/judgment and cover letter with no further action.
- If the attorneys or parties are unable to agree on the wording of an 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.

Cover Letters

- All proposed orders **must** contain a cover letter.
- Any proposed order, regardless of submission format, 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 should not be its own page.

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.
- 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 may be required to follow the requirements for scheduling of a hearing contained in these practice preferences.
- If no hearing is required, the Court may 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 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 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 testimony and a hearing on the matter.

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.