

HONORABLE DONEENE D. LOAR
Family Section 17
545 1st Avenue North
St. Petersburg, FL 33701

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JUDICIAL PRACTICE PREFERENCES FOR
CIRCUIT FAMILY SECTION 17

*****As of October 1, 2018, all agreed Orders are to be submitted through JAWS per the directive of the Florida Supreme Court*****

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 at:

Pinellas County Courthouse, phone (727) 464-5150
315 Court Street
Clearwater, FL 33756

and

St. Petersburg Judicial Building, phone (727) 582-7941
545 First Avenue North
St. Petersburg, Florida 33701

Other legal services:

Lawyer referral services through the Clearwater Bar Association (727) 461-4880
Gulfcoast Legal Services: (727) 443-0657 in Clearwater
(727) 821-0726 in St. Petersburg
Bay Area Legal Services (800) 625-1757
Community Law Program in St. Petersburg (727)582-7480
St. Petersburg Bar Association (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.

JAWS

SETTING HEARINGS:

Motions must be e-filed with the Clerk of the Court and sent to opposing counsel/self-represented party prior to scheduling a hearing. All hearings must be coordinated with opposing counsel. Motions requiring a hearing time of two (2) hours or more require a short case management conference or telephone conference with the Judge.

All hearings are to be scheduled by the moving party in JAWS. The website is https://jawspinellas.jud6.org/jaws_attorney/login.aspx. Please select the “Family Section 17 – Loar” calendar to schedule your hearing. Hearings of 15 or 30 minutes may be scheduled directly online. **ALL AVAILABLE HEARING TIME WILL BE POSTED IN JAWS SO PLEASE DO NOT CALL THE JA FOR OTHER HEARING DATES UNLESS YOUR MOTION IS AN EMERGENCY OR SO DIRECTED BY JUDGE LOAR.**

CASE LAW:

All case law to be used at hearing must be provided to Judge Loar on paper at least 3 business days prior to the hearing.

SETTING 30, 45 MINUTE OR LONGER HEARING:

For hearings which require additional time, adjacent hearing time slots may be combined to create the amount of time required **provided you first call or email the JA to create the time slot prior to scheduling your hearing**. You may also use this procedure for 30 minute hearings.

UNIFORM MOTION CALENDARS:

Hearings not anticipated taking 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.

ALL COUNSEL/ASSOCIATED PARTIES:

It is the moving party’s responsibility to confirm that all counsel/associated parties are in the JAWS data base to ensure all parties receive emails regarding the scheduling and cancellation of hearings. Failure to comply with this procedure can result in cancellation of your hearing. Additional email addresses for notification may be added for staff.

CANCELLING HEARINGS:

Filing a Notice of Cancellation does not cancel a hearing with Judge Loar. Hearings that you schedule in JAWS can also be cancelled by you in JAWS for up to 24 hours prior to the hearing. If your hearing is less than 24 hours away, please call or email the JA to cancel your hearing.

JAWS ORDERS:

Proposed orders may now be uploaded to JAWS and will be signed with Judge Loar's electronic signature. You must also upload an explanatory cover letter. All documents are to be uploaded as PDF documents. The instructions for uploading orders are as follows:

1. JAWS submissions of proposed orders to the court should consist of two uploads:
 - a. Everything but the proposed order goes in the upload location labeled "Cover Letter" - namely, the information that shows the judge why the order should be signed (i.e., cover letter and motion or stipulation, plus exhibits if necessary). **These are all uploaded as one single document.**
 - b. The order or judgment to be reviewed and signed, *and nothing else*, goes in **second location where the title of the document must be filled in.**

It should never be necessary to make a duplicate upload. These create many problems. *If there is a problem with uploading, contact the JAWS Help Desk, 727-453-4357.*

Do not submit proposed orders on JAWS in advance of a scheduled hearing unless specifically requested by the judge.

Helpful tips:

Your cover letter should include express confirmation by a member of the Florida Bar that the proposed order has been shared with all other parties, and that they have no objection as to its form. (If there is an objection, submit the order via mail with an explanatory cover letter.)

If your order is based on the judge's ruling after a hearing, state that fact, including the date of the hearing.

Electronically conformed copies will only be provided to the email addresses which have been associated to the case in JAWS. It is the responsibility of the party uploading a proposed order to confirm all email addresses have been added to JAWS. The JA and the clerk DO NOT maintain the associated party data base.

NOTICE OF HEARING: Ensure proper notice is sent to all. Even with defaults, ensure all parties are copied all the time with everything. 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.

PROCEDURES

SUBMITTING NOTICES OF HEARING, PROPOSED ORDERS, PLEADINGS OR CASE LAW TO THE COURT:

Please provide a courtesy copy of the notice of hearing by email to section17@jud6.org. Copies of motions are not necessary as they are viewable online (unless instructed otherwise).

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. 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.

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

PROPOSED ORDERS:

PROPOSED ORDERS THAT ARE AGREED UPON BY THE PARTIES SHOULD BE SUBMITTED THROUGH JAWS.

- 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 she 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.

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 and Trial. 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.

EVIDENCE TO BE USED AT EVIDENTIARY HEARING OR TRIAL:

ALL evidence is to be copied and exchanged five (5) working days prior to trial OR prior to evidentiary hearing unless otherwise specified by the Court or 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 and expedited Motions must be filed with the Clerk of Court prior to the Court determining emergency or expedited status. The Court does not receive motions through the Portal when you check “emergency”. You must submit a copy of the Motion to the Court either by email, hand-delivery or regular U.S. mail. 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.*

TELEPHONIC HEARINGS:

Telephonic hearings may be allowed under certain circumstances, as per Rule of Judicial Administration 2.530. Telephonic hearings must be set forth in the Notice of Hearing. Short, simple hearings may always be telephonic. 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 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 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 section17@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 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.

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.