

## THE HONORABLE JOSEPH F. JUSTICE

### Judicial Practice Preferences County Criminal and Criminal Traffic

1. **Continuances:** Continuances by stipulation are permitted prior to receipt of discovery and for the first pretrial conference.

All subsequent requests for continuance outside of Court are reviewed on a case by case basis. Please submit a motion and proposed order. The Motion should include a statement as to whether the State Attorney's Office has any objection.

2. **Waivers of Appearance:** generally permitted, however, Defendant must personally appear at one pretrial conference. Presence may not be waived for Calendar Call or Jury Selection without prior permission from the Court. Defendant must be present for motions to withdraw capias.
3. **Proposed Orders:** JAWS is the Court's preferred method of receiving and signing orders. Proposed orders must be submitted in PDF format. Paper orders are also acceptable but must include return envelopes.
4. **Number of Pretrial:** cases will be given up to three (3) pretrial conferences prior to setting a trial date. Additional requests for pretrials will be reviewed case by case.
5. **Violations of Probation:** Violation cases will be given one (1) pretrial before setting a final hearing. Additional requests will be reviewed on a case by case basis.
6. **Substantive Motions:** Any substantive motions (Motions to Suppress, Stand Your Ground, Motions to dismiss, etc.) must be filed with the Clerk and appear on the docket prior to setting the matter for hearing.
7. **Non-Substantive Motions:** non-substantive motions (motions to consolidate, motions to transport, etc.) may be submitted directly to the Court.
8. **Trial/ Change of Plea Calendar:** Cases may be set for a final change of plea date on the trial calendar. By electing this option the defendant is telling the Court and all interested parties their intention is to resolve the case on that date.

If a party elects not to resolve with a change of plea, the case will be added to the next trial calendar.

9. **Jury Trials/ Voir Dire:** all parties to stand for the entry and exit of jurors.
10. **Motions in Limine:** must be filed prior to the day of trial. Will generally be addressed day of trial.
11. **Use of interpreters:** Counsel must inform the Court of the need for an interpreter prior to hearing. Language line will not be utilized in matters where a court interpreter could have been requested prior to hearing.
12. **Objections during trial:** Speaking objections are not permitted. Parties should state basis of objection, Court will have parties approach if further discussion is needed.
13. **Zoom/video conferencing:** Not utilized, parties may request use of zoom in extraordinary circumstances.
14. **Scheduling:** Scheduling of special set hearings, add-ons, and any other matter needs to be done by calling the Court's Judicial Assistant via the phone. Emails are not permitted for scheduling.

**Judicial Practice Preferences  
County civil**

- 1) **DEPOSITION DISPUTES:**  
Schedule hearings to resolve disputes.
- 2) **UNIFORM MOTION CALENDAR:**  
Not used.
- 3) **UNIFORM MOTION CALENDAR PREFERENCE:**  
Not used.
- 4) **TELEPHONIC HEARINGS:**
  - Are allowed for hearings 15 minutes or less.
  - MUST be set forth in the notice of hearing.
  - Requests for telephonic appearance hearings over 15 minutes will be considered if a Motion is filed sufficiently in advance that allows opposing parties 5 days to object. The court will then rule on request normally without a hearing.
  - An attorney may attend in person
  - The number to call is (352)549-8648. The conference line can accommodate up to one hundred (100) callers, so there is no need to conference parties in ahead of time.
  - Does NOT allow telephonic hearing of Small Claims Pretrials. Requests for telephonic appearance by Counsel or witnesses at Final Hearings are encouraged to be made at the Pretrial Conference where possible.
- 5) **PROPOSED ORDERS:**
  - May be uploaded to the Judicial Automated Workflow System (JAWS)
  - Or
  - Can forward to the Court and copy opposing counsel for any objections within 5 days.

Please be sure to enclose sufficient copies and return envelopes. Please choose one option and do not both upload and submit physical copies.
- 6) **DISCOVERY CUT-OFF:**  
Case by case basis.

7) **PRETRIAL STATEMENTS:**

No particular form required, so long as statement of facts, intended evidence and expected witnesses are listed.

8) **MOTIONS IN LIMINE:**

To be scheduled as a separate hearing.

9) **TRIAL SCHEDULING:**

Yes, WILL protect counsel until given date.

10) **VOIR DIRE FORMAT:**

Entire panel questioned in the gallery.

11) **VOIR DIRE:**

Judge Justice may initiate voir dire questions to be followed by counsel.

12) **PEREMPTORY CHALLENGES:**

Generally 3 per party with total of Plaintiff to match total of Defense.

13) **RESPONSE FROM COUNSEL WHEN BAILIFF BRINGS JURY IN:**

Counsel to stand upon entry and exit of the Jury.

14) **COURTROOM TRIALS – REQUEST PERMISSION FOR THE FOLLOWING:**

To approach the bench.

To approach the witness.

15) **ATTORNEY FEES:**

All issues regarding attorney's fees shall be left for subsequent hearing.

Fees affidavits are sufficient in lieu of expert testimony IF parties agree.

16) **MARKING EVIDENCE TO BE USED AT TRIAL:**

Prefers ALL evidence to be copied and exchanged 10 days prior to trial.

**-SHOWING TANGIBLE EVIDENCE TO THE COURT:**

If Judge Justice requests exhibit, counsel may hand it over directly.

After showing opposing counsel, attorney may show exhibit to witness without showing Judge first.

17) **MEDIATION:**

ALWAYS required before trial.

**18) COURTROOM DEMEANOR COMMENTS:**

- Objections – stand and state ground of objection. Do not argue objection unless asked to come to the bench.
- NEVER argue with opposing counsel.
- Direct all arguments to the Court.

**19) ZOOM or Electronic Appearances**

- Zoom court should be treated as if attendee were appearing in person.
- All participants should properly identify themselves so that their name appears on screen.
- Participants should remain on mute when not addressing the Court, and are asked to use both audio and video when addressing the Court when practicable.
- Participants should dress appropriately for Court.

**20) OTHER PRACTICE AND PROCEDURES POINTERS:**

- Please be sure to have the name of the Judge correct as well as the correct Courthouse, our address is West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL 34654.
- CROSS-NOTICING ON ANOTHER ATTORNEY'S TIME IS STRICTLY PROHIBITED. If you cross notice, your motion will not be heard unless opposing counsel agrees.
- IF A CASE HAS SETTLED, PLEASE CALL MY OFFICE TO CANCEL ANY HEARINGS OR TRIALS THAT MAY BE SCHEDULED.
- Do not assume that you can appear by telephone, please check with my office first.
- After you have obtained hearing time, please call back to set on my calendar. Don't just send in a notice.
- Please have section/division ready when calling in as this lets us know you have the correct Judge.