



HONORABLE STEVE D. BERLIN
Family Law Division Section 9
545 1st Avenue North, Room 211
St. Petersburg, FL 33701

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JUDICIAL PRACTICE PREFERENCES

**Dignity and Respect are the watchwords of professional practice.
Everyone should treat everyone involved with dignity and respect.**

HEARING PROCEDURE:

ALL HEARINGS WITH JUDGE STEVE BERLIN WILL BE CONDUCTED VIA ZOOM UNTIL FURTHER NOTICE PURSUANT TO THE RECENT FLORIDA SUPREME COURT ORDERS AND JUDGE RONDOLINO'S ADMINISTRATIVE ORDER 2020-08. TELEPHONIC HEARINGS WILL BE SCHEDULED WHEN A ZOOM HEARING IS IMPRACTICABLE.

FOR ZOOM HEARINGS, THE ATTORNEYS WILL RECEIVE A ZOOM SCHEDULING INVITATION WITH THE LOGIN INFORMATION AND ALL NOTICES OF HEARING SHALL INCLUDE THE ZOOM LOG IN INFORMATION FOR THE HEARING.

EVIDENCE:

ELECTRONIC RULES FOR EVIDENTIARY HEARINGS

ANY HEARING IN WHICH TESTIMONY OR PHYSICAL EVIDENCE IS GOING TO BE PRESENTED TO THE COURT

1. **5 DAYS PRIOR TO HEARING:** Exchange all evidence to be presented at the hearing and exchange witness lists which include telephone numbers and email addresses.

2. **3 DAYS PRIOR TO HEARING:** Email all evidence including the witness list to section9@jud6.org.

The exhibits should be incorporated into a single pdf file with each exhibit having a bookmark. This does not convert an exhibit into a composite exhibit. The Court understands the difficulty to combine files, thus if a party must submit separate files, then the name of the file should include either “Petitioner” or “Respondent” and the exhibit number. ie: Petitioner Ex #1 or Petitioner Ex #1 - FA. If more than 5 exhibits are emailed to the Court you must include an Exhibit List. Exhibits must be attached to an email as individual PDFs. Parties may also use cloud based file sharing services.

Parties are welcome to deliver files to the Court in paper form via binder. It is often easier for the Court to review evidence in a binder.

3. **3 DAYS PRIOR TO HEARING:** Email all case law anticipated to be argued to section9@jud6.org.

WITNESSES:

If you plan on calling witnesses, you must file a Witness List which includes their telephone numbers if the hearing is telephonic or their email addresses if the hearing is via Zoom. The Witness List shall be exchanged between the parties 5 days prior to and emailed to the Court at section9@jud6.org the day before the hearing. The parties are responsible to providing Zoom login to their witnesses.

COURT REPORTERS:

Court Reporters may be conferenced in if requested for a telephonic hearing. For Zoom hearings, court reporters will be invited to the hearing if requested.

A digital court reporter is *only* provided by the Court for injunction hearings (domestic violence, dating violence, sexual violence, repeat violence, and/or stalking). The Court does not provide a court reporter or digital recording for any other proceeding and it is the responsibility of the party desiring such reporting to arrange for a Court Reporter to be present for whatever hearing they believe a Court Reporter is necessary, and to be responsible for the payment for the court reporter's services. A list of Court approved Court Reporters, as well as information on how to obtain a transcript from a digitally recorded proceeding, can be found on the left side of the www.jud6.org website under "Court Reporting."

PARENTING CLASSES:

All persons required to take a 4-hour parent education and family stabilization course pursuant to § 61.21, Fla. Stat., may attend the parenting class online or via distance learning without need of any motion seeking, or order granting, permission to do so.

AVOIDING THE NEED FOR A NOTARY:

Pursuant to the administrative orders currently in effect, the Court is able to swear in any witnesses (provided the witness is in Florida or consents to be sworn in Florida) provided the witness can be "positively identified." Such positive identification can be achieved from a representing attorney, sufficiently familiar with the witness, averring to the witness's identity, or by providing the Court sufficient evidence to confirm the witnesses' identity (such as having a witness appearing by video show his/her driver's license to the camera upon request during a Zoom hearing). Parties should consider having a copy of the identification card to share via the "share screen" function or printed and enlarged to share via camera.

Documents which otherwise would have been executed under oath in the presence of a notary may generally be done by simple written declaration, provided the signature block adheres to the requirements of § 92.525(2), Fla. Stat. which provides: “Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true,” followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words “to the best of my knowledge and belief” may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

PARTICIPANTS SHOULD ADHERE TO THE FOLLOWING GUIDELINES FOR ZOOM HEARINGS:

A. This is not a meeting. This is a court hearing. Dress and behave as if you were attending court in person. Pay attention to the time, as there are likely other hearings following yours and the hearing will need to conclude on time.

B. At the start of the hearing all participants will be in a virtual waiting room, and the parties, counsel, and any court reporter, will be admitted in the virtual hearing by the presiding judge upon the start of the hearing.

C. Please “rename” yourself on Zoom to show your actual name, so you can be readily identified by others for your hearing.

D. Any witnesses will be left in the waiting room until such time as they are “called” to testify, at which point they will be admitted to the virtual hearing room.

E. If at any point in a hearing an attorney needs to confer with his/her client separately, they may advise the Court and the presiding judge (if appropriate) will open a “breakout room” and assign the attorney and party to the breakout room for them to have their conversation outside of the presence of the Court and other participants. Similarly, if counsel for all parties need/want to speak together with the Judge without the parties present, they may make such a request and (if appropriate) the Court will open a “breakout room” for that conversation to occur, akin to how counsel may meet with a Judge in chambers prior to a traditional in-person hearing.

F. The same rules which apply to a hearing in person before the Court, also apply to a video hearing through Zoom.

G. No minor children are permitted to attend, or be present in the room where any participant is attending, the virtual hearing via Zoom. Persons with minor

children of the action in the same building where the participant is appearing should take all reasonable steps to insure the minor children are not exposed to the proceedings. Participants may wish to use earbuds or headphones to assist in shielding the children from the litigation.

H. When speaking, remember to look directly at the webcam, not at the screen.

I. Position the camera at your eye level or slightly above eye level, and be mindful of what is behind you as everyone participating in the hearing will be able to see.

J. Check the lighting. Light from a window behind you might blind the camera, making you look dark. Light above you in the center of a room might also cast shadows. Ideally, position a lamp, or sit facing a window, where light is directly on your face.

K. Participants should speak one at a time and pause prior to speaking in case there is any audio/video lag for any other participant(s).

L. Participants are encouraged to mute themselves when not speaking in order to avoid any potential background noise.

M. When a participant is speaking to another specific participant, s/he must address that participant by name each time.

N. If you will be providing corroborative proof of your Florida residency for a dissolution of marriage, to satisfy the requirement of § 61.052(2), Fla. Stat., you may: (1) file a copy of your Florida Driver's License, Florida ID Card, or Florida Voter Registration Card with your name and issue date legible, and redact all other information on the Card; (2) show one of these items to the camera (close up, upon request) during the hearing; or (3) file an affidavit of corroborating witness.

O. Parties should consider having a copy of the identification card to share via the "share screen" function or printed and enlarged to share via camera.

P. You may ask to show a witness a documentary exhibit which has been timely provided, in advance, to the court (in the manner provided for herein below), and/or the Court will "share a screen" to enable all persons attending via video to see the exhibit during the inquiry.

Q. If a party/attorney has an objection, they should state "objection" in a loud, clear voice, followed by a two or three word statement of the objection, and the other speaker should pause and allow the court to address the objection before continuing.

R. It is the responsibility of counsel, prior to the scheduled hearing, to insure not only the attorney, but the attorney’s client(s) and any witness(es) for their client: (1) have access to Zoom; (2) have access to the exhibits for which they will be testifying; and (3) are familiar with the use of Zoom.

S. If the proceeding is one in which the Court is required to create a record, the Court will have the digital court reporter enabled. For any other proceedings, it is the responsibility of a party desiring a formal record to obtain and provide a court reporter to attend in the manner set forth above. No participant other than the Court is authorized to record the proceeding. Use of any recording of this proceeding by anyone other than the Court to prepare official transcripts is prohibited. Any recording other than what is made by the Court is not the official record and may not be used in future trial or appellate proceedings.

- o Sometimes counsel ask to record the Court’s findings and order to facilitate preparing a proposed Order. Please ask the presiding judge first.

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:

Clearwater Bar Assn.	(727) 461-4880 Clearwater
Gulfcoast Legal Services:	(727) 443-0657 Clearwater
	(727) 821-0726 St. Petersburg

Bay Area Legal Services (800) 625-1757
Community Law Program (727)582-7480 St. Petersburg
St. Petersburg Bar Assn. (727) 821-5450 St. Petersburg

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.

The JAWS website includes links to [register new user account\(s\)](#) and [instructions](#) on how to use JAWS.

ALL COUNSEL/ASSOCIATED PARTIES:

It is the moving party's responsibility to confirm that all counsel/associated parties, including *pro se* parties, are in the JAWS database 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.

If a party feels the other party is unresponsive to agreeing upon a hearing date, the party should both call and email the opposing party at least three times prior to requesting the court to assist with selecting a hearing date.

CANCELLING HEARINGS:

Filing a Notice of Cancellation does not cancel a hearing with Judge Berlin. 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:

WHEN AN ORDER IS UPLOADED TO JAWS, AN EMAIL WILL BE SENT TO THE ASSOCIATED PARTIES. THIS DOES NOT MEAN AN ORDER HAS BEEN ENTERED. A SECOND EMAIL FROM JAWS WILL INCLUDE

THE ELECTRONICALLY CONFORMED COPY OF THE ORDER WHEN IT HAS BEEN SIGNED BY JUDGE BERLIN.

Proposed orders may be uploaded to JAWS and will be signed with Judge Berlin'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. This may 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 and timely 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 FOR SUBMITTING NOTICES OF HEARING, PROPOSED ORDERS, PLEADINGS OR CASE LAW TO THE COURT:

NOTICE OF HEARING:

Please provide a courtesy copy of the notice of hearing by email to section9@jud6.org.

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 an email or 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.
- 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.

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.

MOTIONS TO CONTINUE:

The motion must state the length of time requested for the continuance and preferably propose a new agreed upon hearing date.

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 the hearing, proffers are strongly encouraged. True emergencies (see Emergency Motions) are an exception. The parties may schedule a temporary motion after the mediation is scheduled to be completed. If one party unilaterally cancels the mediation, then the non-cancelling has the option to keep the temporary motion hearing date.

SETTING PRE-TRIAL CONFERENCES AND TRIALS:

In most cases, a Case Management Conference is necessary to set a Pre-trial Conference and/or Trial. No motions will be heard at the Case Management Conference without prior approval of the Court. All parties must 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, or is anticipated to be resolved quickly. The trial will be scheduled at the 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.*

Additionally, at least 5 business days prior to trial, please provide Judge Berlin with copies of the following (if applicable):

- Equitable Distribution Worksheet
- Child Support Guidelines
- Proposed Parenting/Timesharing Plans
- Any case law to be used at trial

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. **Pleading should only include the words emergency and/or expedited if there is the potential for harm to one of the parties or minor children within 7 days.** 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.***

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 and name change files are reviewed by the Court’s Staff Attorney prior to any final hearing being scheduled. You will be notified by the Staff Attorney if additional documentation is needed. When your case is ready for Final Hearing you will either be contacted by the J.A. or the J.A. will schedule your 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.

SUBSTITUTION OF COUNSEL:

Rule of Judicial Administration 2.505e(2) requires the client’s WRITTEN consent. Upload the cover letter, stipulation, signed consent and proposed Order to JAWS. 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.

MOTIONS FOR REHEARING/RECONSIDERATION:

Provide the Judge with a copy of the motion. Do not schedule for hearing unless the court decides one is required.

DISCOVERY DISPUTES:

Counsel disputing a discovery response as deficient should first send a good faith letter to the opposing side outline the deficiencies in the responses. The good faith letter should give a reasonable time, at least two weeks, to ameliorate the deficiency. Prior to submitting a motion to compel a delinquent or alleged inadequate response to discovery, counsel must first attempt to contact opposing counsel via email and telephone. The motion to compel should include a good faith certification.

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.

RESPONSIVE MOTIONS REQUIRED:

The Court incorporates by reference Administrative Order No. 2020-012 PA/PI-CIR for pretrial non-evidentiary motions. These specifically include Motions to Compel

Discovery and Motions for Income Deduction Orders. The Court will not grant attorneys' fees if there is no hearing. Additionally, the Court may require a hearing depending on the nature of the Motions. If a party neither submits a written response, nor requests a hearing, then the party waives response.