

**HONORABLE DANIEL D. DISKEY**

7530 Little Road  
Hearing Room 2F  
New Port Richey, FL 34654  
**(727) 847-8059**

Judicial Practice Preferences  
Circuit Family

The Judicial Assistant is not permitted to answer your legal questions nor “explain” your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.

Some forms are available through the Legal Resource Center located in the Pasco County Clerk’s office on the first floor, and on line at [www.jud6.org](http://www.jud6.org) (self-representation); [www.flcourts.org](http://www.flcourts.org) or [www.pascoclerk.com](http://www.pascoclerk.com) . 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.

**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. Contact the Judicial Assistant via phone for available dates and times. Keep in mind that the times and dates are not held. A phone message is not sufficient confirmation that you would like one of the available times. You must confirm your requested date and time with the Judicial Assistant. **All hearings must be coordinated with opposing counsel and/or opposing party if pro se.** (Please note that this Court is not utilizing JAWS for scheduling of hearings.)

- After three separate good faith scheduling attempts (not all in the same day) without response from the opposing party, the Court will move forward and set the motion for hearing.
- **It is not the responsibility of the Judicial Assistant to coordinate dates with opposing counsel or monitor bickering between attorneys or their legal assistants. Under those circumstances, please notify the Judicial Assistant once a date has been agreed to by the parties.**

***IMPORTANT: DO NOT*** cross-notice a hearing without prior Court approval. Any motion cross-noticed without Court approval may not be heard.

**UNIFORM MOTION CALENDAR.** Hearings not anticipated to take more than 15 minutes, such as uncontested final hearings and other matters the Judge preapproves to be heard on the calendar. The Uniform Motion Calendar is not meant for contested or evidentiary hearings. All hearings must be scheduled by the Court’s Judicial Assistant. The Uniform Motion Calendar is Friday mornings.

**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, it is the Court's preference that all hearings, except return hearings on ex parte injunctions for protection, continue to be held remotely. 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.

**AFTER A HEARING IS SET.** The Notice of Hearing must be filed with the Clerk of Court in the court file. Please include accurate information in your Notice of Hearing, such as the Judge's name, full address/method of how the hearing will be held, 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. *Do not cancel your client's hearing without notification of all parties.* The Judicial Assistant *must* be notified in a timely manner by telephone and a Notice of Cancellation of Hearing must be filed with the Clerk of Courts.

**HEARING/TRIAL MATERIALS.** Hearing Exhibits/Trial Notebooks should be submitted at least three business days in advance of the hearing by hard copy via postal mail or physical drop off. We do not accept documents via fax or email.

**PRE-TRIALS.** After filing notice that case is at issue, contact the Judicial Assistant to request hearing time for a pre-trial conference. No motions will be heard at the pre-trial conference without prior approval of the Court. The attorney conducting the trial must attend the pre-trial conference in person, not by telephone. Familiarity with the file and the pre-trial conference statement is essential for a meaningful pre-trial conference. The parties must also attend the pre-trial conference.

It is assumed at pre-trial the case is ready to be tried, that there are no pending motions, and discovery is completed. Trial will not be set if there are outstanding motions or discovery. The non-jury trial may be scheduled after the pre-trial conference by contacting the Judicial Assistant by telephone. An attorney will not be permitted to withdraw less than 30 days before trial, absent exigent circumstances. In requesting a trial on the Court's calendar, counsel have acknowledged that they and their clients will be fully prepared to try the case when scheduled, inclusive of all financial matters between counsel and client. Accordingly, absent ethical issues, the Court does not contemplate allowing counsel to withdraw between pre-trial and trial.

**TEMPORARY HEARINGS.** See Administrative Order 2011-006 PA/PI-CIR regarding mediation requirement. Hearings on temporary matters shall be proffer hearings and shall be noticed as "proffer hearing," as agreed to by the local bar association.

**Three days prior to the proffer hearing a Temporary Relief Hearing Memorandum must be filed with the Clerk of Courts by both parties and provided to opposing counsel/party. If the requesting party fails to file the Temporary Relief Hearing Memorandum timely, the proffer hearing may be cancelled.** 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. See [www.jud6.org/Court Programs/Family Law/Family Court, Procedural Requirements Pasco Only section](http://www.jud6.org/Court_Programs/Family_Law/Family_Court_Procedural_Requirements_Pasco_Only_section).

**MEDIATION.** Pursuant to Administrative Order 2011-006 PI-CIR, all initial hearings on temporary relief matters in original petitions shall be referred to mediation prior to a hearing on the matter. In addition, all post-judgment matters shall be referred to mediation prior to a hearing. Once mediation is concluded, a hearing may be set on the Court's calendar.

**EMERGENCY HEARINGS.** All emergency motions must be filed with the Clerk of Court. The Court will not review or consider any emergency motion sent directly to the Court. 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 to the opposing party, schedule a hearing or allow one to be set on an emergency basis, seek a written response from the opposing party, or rule on the matter without hearing. If the Court schedules a hearing on an emergency matter, the Court will do so 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.** A conflict with a hearing scheduled by the Court, whether by a party or their counsel, may not constitute good cause for the matter to be continued. If the Court schedules a hearing, the parties will be held to the amount of time allotted by the Court for the matter. This time shall be equally split between the parties. If the emergency hearing involves an issue related to support, current financial affidavits must be filed prior to the hearing. Failure to do so may result in the Court declining to hear the matter on an emergency basis.

**MOTIONS FOR REHEARING, RECONSIDERATION, AND NEW TRIALS.** Such motions will not be set for hearing without review by the Judge. **Please submit a copy of the Motion to the Judge's office after it has been filed with the Clerk of Court** for entry of an Order. If the Judge finds that a hearing is required, the Judicial Assistant will contact the attorneys' offices and/or self-represented parties to schedule the hearing.

**MATTERS NOT REQUIRING A HEARING.** A matter does not require a hearing and may be submitted electronically or by mail (**one or the other, not both**), if all parties are in agreement or if 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/judgment, etc., and**

**does/does not object.** If one side objects to a proposed order, the objecting party shall submit a written statement to the Court explaining their objection. If no cover letter is provided indicating approval by the opposing side, the Court will not take 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 (signed by both incoming attorney, outgoing attorney and client)
- Motions to Withdraw (with signed consent from client)
- Final Judgments of Paternity (with all issues resolved by signed agreement)

**APPEARANCE/CONDUCT AT HEARINGS.** It is expected that all parties and litigants will adhere to Administrative Order No. 2009-066 PA/PI-CIR RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT. A party will not be permitted to appear in shorts.

**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 hearings without prior approval.

**SUBSTITUTION OF COUNSEL.** Rule of Judicial Administration 2.505(e)(2) requires that the client agree IN WRITING. Proposed Orders Approving Stipulation for Substitution of Counsel without the written consent of the client(s) will not be signed.

**WITHDRAWAL OF COUNSEL.** The Court will consider proposed Orders for Withdrawal of Counsel if accompanied by Stipulation for same signed by all parties (including client). Otherwise, a Motion and hearing will be required.

## **PROPOSED COURT ORDERS/USE OF THE JUDICIAL AUTOMATED WORKFLOW SYSTEM (JAWS)**

### **Submission of Proposed Orders**

Pasco County utilizes the Judicial Automate Workflow System (JAWS). All parties on a case should be registered with JAWS. For assistance with JAWS, see [www.jud6.org/legalcommunity/JAWS/howto.html](http://www.jud6.org/legalcommunity/JAWS/howto.html) . 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.** •

Parties shall submit proposed orders to the Court via JAWS. Proposed orders uploaded to JAWS must be in Adobe PDF. When the Court signs an order in JAWS, the order is automatically served upon all parties registered and case-connected with JAWS. As such, the Court may not provide attorneys or unrepresented parties with electronic conformed copies of orders filed in JAWS. If a proposed order is rejected, the party/counsel who submitted the proposed order may be required to submit a new proposed order to the Court.

#### Review by Opposing Party

Unless otherwise informed in advance by the Court, the Court will not consider any proposed orders until the opposing party/counsel has had an opportunity to review it and lodge any objections. Proposed orders may 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 from the opposing party, the Court will sign the proposed order/judgment. If the attorneys or parties are unable to agree on the wording of a proposed order, each attorney or party shall submit his or her own proposed order to the Court via USPS with a cover letter and envelopes that are addressed with proper postage.

#### Cover Letters

All proposed orders, regardless of submission method, must contain a cover letter. Any proposed order 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

Proposed orders should not contain blanks for the Judge to fill in other than the date. The Judge's signature line must not be its own page.