



HONORABLE REBECCA L. HAMILTON

**Family Law Division Section 17
545 1st Avenue North, Room 412
St. Petersburg, FL 33701**

Section17@jud6.org

JUDICIAL PRACTICE PREFERENCES

Dignity and Respect are the watchwords of professional practice. Every person shall treat ALL others involved with dignity and respect.

COVID PROCEDURES

IN-PERSON HEARINGS HAVE RESUMED IN MOST MATTERS SCHEDULED BEFORE JUDGE HAMILTON, INCLUDING THOSE SCHEDULED BY THE JUDGE DURING OPEN COURT, MOTIONS TO COMPEL AND FOR CONTEMPT/ENFORCEMENT, PRETRIAL CONFERENCES AND FINAL HEARINGS.

ZOOM HEARINGS SHALL BE LIMITED AND ARE THE EXCEPTION.

JAWS (Judicial Automated Workflow System)

*****JAWS per the directive of the Florida Supreme Court*****

ALL attorneys handling a case in Section 17 should affiliate themselves with their cases on the Judicial Automated Workflow System (JAWS). Attorneys must add and keep updated the known e-mail addresses for the opposing counsel, if the party is represented, or the Pro Se party, if not represented. The Court prefers (whenever possible) to render its orders electronically via JAWS. JAWS contains a tutorial to assist system users.

Please do not contact the Judicial Assistant for assistance with JAWS access or usage.

<https://www.jud6.org/legalcommunity/JAWS/howto.html>

IF YOU DO NOT HAVE A LAWYER: If you are self-represented, the following information may be helpful:

The Clerk of Court has a Self Help Program for self-represented (pro se) litigants. Contact information is available at: <https://www.mypinellasclerk.org/Home/Family>

The Clerk of Court has several self-help Videos available to watch at: <https://www.mypinellasclerk.org/Forms#660206-videos>

The Clerk of Court has several Family Law forms which are provided free of charge to the public to assist them with interactions with the Court. The forms are available for download or print at: <https://www.mypinellasclerk.org/Forms>

The Sixth Judicial Circuit has a number of Locally Approved Family Law Forms which may be found on the www.jud6.org website under the tab “Representing Yourself in Court”.
<https://www.jud6.org/GeneralPublic/RepresentingYourselfInCourt.html>

The Florida Supreme Court has approved Family Law Forms which can also be found at <https://www.flcourts.org/>

Helpful Contact numbers and addresses:

Pinellas County Courthouse: Telephone: (727) 464-5150

Address: 315 Court Street Clearwater, FL 33756

St. Petersburg Judicial Building: Telephone (727) 582-7941

Address: 545 1st Avenue North St. Petersburg, FL 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

Bar Area Legal Services: (800) 625-1757

Community Law Program: (727) 582-7480

St. Petersburg Bar Association: (727) 821-5450

COMMUNICATION WITH THE COURT:

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.

All communications may typically be handled by sending an e-mail to our office at section17@jud6.org. All parties involved in a case must be copied on any correspondence or communication to the Court.

DOCUMENTS TO BE CONSIDERED:

ALL DOCUMENTS TO BE CONSIDERED AT HEARING MUST BE RECEIVED BY THE JUDGE'S OFFICE VIA U.S. MAIL OR HAND-DELIVERY. THE DOCUMENTS SHOULD BE IN A BINDER, TABBED APPROPRIATELY, AND DELIVERED BY 9:00AM WITHIN A MINIMUM OF THREE (3) BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING.

DOCUMENTS RECEIVED AFTER THE SPECIFIED TIME ARE NOT GUARANTEED TO BE ACCEPTED BY THE COURT.

E-MAILING OF DOCUMENTS WILL NOT BE ACCEPTED, EXCEPT THAT ONLY PHOTOS AND VIDEOS MAY BE EMAILED OR SENT VIA DROP-BOX.

THE COURT WILL NOT TAKE JUDICIAL NOTICE OF EXHIBITS IN THE COURT FILE, ALL EXHIBITS MUST BE HANDLED IN ACCORDANCE WITH THE ABOVE INSTRUCTION.

SCHEDULING A HEARING:

Unless a hearing is scheduled by the Judge in open court, all hearing dates/times must be coordinated with all parties/counsel prior to scheduling the hearing.

Section 17 utilizes the JAWS system for scheduling hearings. Available hearing dates and times are posted on JAWS. Hearings being scheduled that are fifteen (15) or thirty (30) minutes in duration may be directly requested via JAWS at:

https://jawspinellas.jud6.org/jaws_attorney/login.aspx

Please select the option entitled “**Section 17 – Hamilton**” to request your hearing date and time.

PLEASE DO NOT FILE OR SEND A NOTICE OF HEARING UNTIL A SECOND CONFIRMATION FROM JAWS IS RECEIVED SHOWING THAT THE DATE/TIME REQUESTED HAS BEEN SCHEDULED.

Hearings more than thirty (30) minutes in duration cannot be directly scheduled on JAWS. The Judicial Assistant should be contacted via email to obtain a hearing date.

All hearings that are forty-five (45) minutes or more in duration require a short Case Management Conference with the Judge, prior to obtaining a hearing date, for the purpose of discussing with the Judge the matters to be heard and to determine the appropriate amount of hearing time necessary. The CMC may be scheduled directly on JAWS.

Once a hearing has been scheduled, a courtesy copy of the Notice of Hearing and motion(s) should be sent to the Judicial Assistant via e-mail at section17@jud6.org.

Additions/Changes: Once a matter is scheduled for hearing, a party seeking to change the matters scheduled to be heard, or to delete or add a matter/motion to the hearing, must obtain agreement in writing from opposing counsel and/or the pro se party; otherwise, the hearing matters may not be changed and a separate hearing will need to be scheduled. If the parties are in agreement to the change, the Judicial Assistant must be notified by email that all parties are in agreement to the change and the party shall then file an Amended Notice of Hearing, specifying within the amended notice the nature of the amendment and that the parties are in agreement with the specified change.

Uncontested Final Hearings: Cases that have been fully resolved, or matters that are uncontested by any party and to which a written stipulation has been filed, may be scheduled for 15 minutes on the Friday morning calendar, which is reserved solely for uncontested matters. These hearings may be scheduled on JAWS. If a matter comes before the court on the Friday morning calendar and there remains any unresolved issues or required documents have not been filed, it will not be heard and a new hearing will be scheduled. Required documents typically include an MSA, Parenting Plan, Child Support Guidelines and a valid Florida Driver License or Affidavit of Corroborating Witness to comply with jurisdictional proof of residency requirements.

Case Management Conferences: All case management conferences must be set for thirty (30) minutes and may be scheduled on JAWS.

CANCELING/CONTINUING A HEARING:

Hearings scheduled by the Judge during open court and placed on the Court's calendar may not be canceled/continued without approval from the Court.

To cancel or continue a hearing that was not scheduled by the Judge, but was coordinated and scheduled by Counsel, all parties must be in agreement to cancel **and** one of the following documents must be filed:

- a signed Stipulation that the matter has been resolved and a written Court order approving the Stipulation;
- Notice that the motion has been withdrawn.

If a motion is withdrawn and the matter is scheduled for a hearing that is forty-five (45) minutes or longer in duration, a new CMC must be scheduled to acquire new hearing times. (See “Motions” section below)

Accordingly, a hearing cannot be unilaterally canceled and the hearing shall go forward unless/until the parties have complied with the above.

If the parties have agreed to cancel the hearing after complying with the above, the Notice of Cancellation must be filed and a courtesy copy of the Stipulation and/or Notice provided to the Judicial Assistant.

If all parties are not in agreement to cancel the hearing, then the hearing shall proceed, as scheduled, and the matter of the cancellation will be heard at the start of the scheduled hearing.

MOTIONS:

Motions must be e-filed with the Clerk of Court and a copy provided to the opposing counsel/self-represented party prior to scheduling a hearing. Motions requiring a hearing time of forty-five (45) minutes or more require a short case management conference with the Judge prior to obtaining hearing dates. After the case management conference, you may contact the Judicial Assistant at section17@jud6.org to obtain available hearing dates/times. Several options for dates/times will be provided to aid in coordinating an agreed-upon hearing date.

Hearing times provided by the Judicial Assistant are not reserved and the calendar fills quickly. Once the Judicial Assistant is notified by counsel/self-represented party of the agreed-upon date/time, the hearing will be scheduled. Please do not file a Notice of Hearing until you receive confirmation from the JA that the hearing is scheduled.

CROSS-NOTICING/ PIGGYBACKING:

Cross-Noticing a motion upon another party’s hearing time is STRICTLY PROHIBITED. If you cross-notice, your motion will not be heard, unless agreed to by the Court and opposing party and time permits. Additional time will not be permitted to address a cross-noticed/piggybacked motion during a previously scheduled hearing time block and the cross-noticed/piggybacked motion will be required to be set for a separate hearing.

NOTICES OF HEARINGS:

Once a hearing has been confirmed, a written Notice of Hearing must be sent to the opposing party and filed with the Court. All notices of hearing should include the matter being heard, a **statement indicating the date, time and manner that each party (regardless of if represented by counsel or self-represented) agreed to the scheduling of the hearing** and should certify the date and method of service made upon all parties, in accordance with Rule 2.516, Fla. R. Jud. Admin. **ALL NOTICES OF HEARINGS ARE TO INCLUDE THE EXACT NAME OF THE MOTION(S) AND THE DATE THE MOTION(S) WERE FILED.**

EMERGENCY/EXPEDITED MOTIONS:

All Emergency or Expedited Motions must be filed with the Clerk of Court prior to the Court determining emergency or expedited status. **PLEASE NOTE** that the Court does not receive motions through the E-Portal. You must notify the Judicial Assistant via e-mail at section17@jud6.org that an emergency and/or expedited motion has been filed. The Court will review the motion to determine the appropriate course of action and will notify the attorney/party who filed the motion.

MOTIONS ON TEMPORARY ISSUES:

See Administrative Order 2011-006 PA/PI CIR. All temporary motions must be mediated prior to a hearing being held. Once a party has a mediation date, a hearing time can be reserved for soon after the mediation date. Emergency Motions for temporary relief may be an exception and the Judicial Assistant must be e-mailed in this regard via section17@jud6.org.

SETTING PRE-TRIALS and NON-JURY TRIALS:

Pre-trial Conferences and Non-Jury Trial requests will be set only after a Case Management Conference with the Judge. When scheduling this, indicate that you are scheduling this CMC specifically to schedule Pre-trial and/or Trial time. Judge Hamilton schedules all Pre-trial and Trial dates in her Section. The Court will enter an Order Setting Pre-Trial Conference which requires the parties to draft and file an appropriate Pre-Trial Memorandum – including exhibits such as a proposed Equitable Distribution Worksheet, Proposed Parenting Plan, Proposed Child Support Guidelines, Witness List, Exhibit List, updated Financial Affidavits and other documents - in advance of the Pre-Trial Conference. Do not attempt to schedule a Pretrial Conference via JAWS unless the Court has given approval to do so in a prior written order.

ADOPTION HEARINGS:

All adoption files are reviewed by the Court's Staff Attorney. Before a hearing can be scheduled, the Staff Attorney must review the file and only after the Staff Attorney determines that the matter is ready for a Final Hearing, can the Judicial Assistant schedule it. If you are seeking a Final Hearing and have not been contacted by the Staff Attorney, you may contact the Judicial Assistant, who will confirm with the Staff Attorney that the matter is ready to be scheduled for hearing and will then contact your office to schedule the same.

PROPOSED ORDERS:

All agreed upon proposed Orders /Judgments may be uploaded to JAWS and will be signed by Judge Hamilton's electronic signature. Along with the uploaded proposed Order, a cover letter must be submitted that SHALL state that the opposing counsel or party has agreed with the form and content of the proposed order, or that at least five (5) days have passed since the proposed order was sent to the opposing party and no objections have been received. All Orders must be uploaded as PDF documents.

If there are objections regarding the content and form of a proposed Order or Judgment, each party must promptly submit an Order with an explanatory letter to Section17@jud6.org . The submitted Order should be sent in Word form.

All Orders/Judgments submitted through JAWS must include contact information uploaded into JAWS for all parties.

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.

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 having a hearing on the matter. In addition, all post-judgment matters shall be automatically referred to mediation prior to having a hearing. Parties may contact section 17 via e-mail if not automatically referred to mediation. Once mediation is scheduled, a hearing may be set on the Court's calendar to occur after the mediation date.

If the opposing party has not yet filed their required Financial Affidavit with the Court, the party requesting a referral for mediation may complete and file an Affidavit for Establishing Mediation Fees to assist in determining if the parties qualify for assignment of a mediator at a reduced cost through the Circuit's Family Mediation Services program.