

# HONORABLE ELIZABETH JACK

Sixth Circuit, Family Law Division

Section 24

545 1<sup>st</sup> Ave N., Room 317

St. Petersburg, FL 33701

## Judicial Practice Preferences

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## Generally

- These preferences are meant to be guidelines to promote effectiveness and efficiency.
- It is expected that all parties and attorneys will adhere to the Standards of Professional Courtesy for the Sixth Judicial Circuit. See AO 2013-075 PA/PI-CIR.
- It is expected that attorneys have read and will follow the Florida Bar Family Law Section “Bounds of Advocacy,” found at [www.familylaw.org](http://www.familylaw.org).
- Judge Jack welcomes suggestions to these preferences, and asks that suggestions be made at hearings as appropriate, or in a general manner by e-mail or at legal association meetings.

## Definitions as Used in these Practice Preferences

- CMC – Case Management Conference; a hearing where the status of the case is discussed.
- Counsel – an attorney.
- Duty Judge – a Judge assigned that day or weekend to handle emergency matters when the assigned Judge is unavailable.
- Hearing or Evidentiary Hearing – a hearing is the court time when a motion is discussed; if testimony and other evidence is presented, it is an “evidentiary” hearing.
- JA – Judicial Assistant.
- JAWS – the computer system that is used to manage the filing and service of documents, reserve hearing time, allow the Judge to electronically sign Orders, etc.
- Motion – a written, filed document requesting relief.
- Movant – the party filing a motion, or the party requesting that a hearing be set.

- Party – each person named in the case is a party (the Petitioner or Respondent). The word is sometimes used to refer to the litigant, but it can also be used more generally to refer to the attorney acting or speaking on behalf of the litigant. Each litigant is the “opposing party” to the other litigant.
- Pretrial Conference – the date when the trial date is selected, and the manner of trial and preparation for trial is discussed.
- Proffer – when a party or attorney merely states what they believe the facts are; a proffer is not proof, or evidence.
- Pro Se – this means a party does not have an attorney and is representing him/herself.
- Sua Sponte – when the Judge takes action on her own initiative.
- Trial – the hearing where the parties present evidence and argument on the petition and/or counter-petition (or other ultimate issues in a case), to allow the Judge to decide the Final Judgment.
- Zoom – the videoconference system used for hearings.

## Communication with Chambers

- You may call or email the Judicial Assistant (“JA”), Amber Leis, at her contact information above. Scheduling is typically done through JAWS (see instructions); however, at times email or phone may be used.
- The JA is diligent about responding to all calls and emails but she is also quite busy. If your message is not urgent, she will contact you as soon as possible. However, if you are not contacted within a reasonable period of time, please follow-up by phone and/or email. Technology is not perfect, and JAs may or may not have coverage when they are out of the office. Also, we have found that sometimes emails are randomly marked as “spam” or “junk” and are not received.
- The JA is typically available during normal business hours, excluding court holidays and vacation days. The JA may handle matters outside of these hours at her discretion.
- Email is for scheduling and administrative purposes only. You must include the other party (their attorney, or the party if unrepresented) in all communications with the Court.
- You should not use email as a way to present your side of an issue. If you send an email to the Court and fail to include the other side, even if it sounds like you wanted to keep your communication private, your email will likely be shared with the other side. If you are seeking relief, you must file a motion and request hearing time on it.

## Self-Represented Parties

- A party who does not have an attorney is called an unrepresented, self-represented, or “pro se” party.

- The JA is not permitted to answer legal questions, give advice, or explain a party's situation to the Judge.
- A party's opportunity to speak to the Judge happens in Court only, or in written, filed documents.
- Communications by a Judge or court staff with only one party to a case are called "ex parte" communications, and they are almost never allowed under the rules.
- Substantive emails (which are emails discussing facts or arguing a position) that are received by the JA may be sent to the Clerk for filing. Emails about scheduling are typically considered non-substantive.
- The Court and the JA cannot give legal or other advice to unrepresented parties. If an unrepresented party needs assistance, the following resources may be contacted:
  - Forms are available at: [www.flcourts.org](http://www.flcourts.org).
  - Procedural assistance is available from Courts Information & Resource Center Staff by telephone only at 727-582-7200
  - Information for pro se parties are available at: [www.jud6.org](http://www.jud6.org)
  - Other Legal Services may be available as follows:
    - Florida Bar lawyer referrals - <https://www.floridabar.org/public/lrs/>
    - Clearwater Bar Association lawyer referrals – 727-461-4880
    - St. Petersburg Bar Association lawyer referrals – 727-821-5450
    - Gulfcoast Legal Services – 727-443-0657 in Clearwater or 727-821-0726 in St. Petersburg
    - Bay Area Legal Services – 800-625-1757
    - Community Law Program – 727-582-7480

## Generally - Scheduling Motions for Hearing / Disputed Motions

- A party may request relief by filing a written motion. Most motions are not automatically set for hearing, and likely will not even be seen by the Judge until set for hearing.
- A party should confirm with the opposing party that the party objects to the motion before setting it for hearing; many motions can be handled without a hearing if there is no disagreement.
- There are special considerations for the Court's handling of certain types of motions; please review those sections below:
  - Emergency Motions
  - Motions for Temporary Relief
  - Agreed-To Motions / Motions Not Requiring a Hearing
  - Discovery Disputes
  - Withdrawal of Counsel
  - Substitution of Counsel
  - Child Support Hearing Officer & General Magistrate Objections

- To set a motion for hearing, a party must use JAWS (or email or call if necessary). If there is a reason a hearing should be expedited and/or held before a certain date, the JA will make every attempt to accommodate the request, even setting the hearing early or late in the day, or over lunch.
- The movant should provide an accurate estimate for the length of the hearing; a party should not ask for less time than realistically needed in an attempt to set the hearing on an earlier date.
- During hearings, the Judge is able to set hearing times for other hearings or motions. If you are having difficulty coordinating dates, you may want to request a case management conference and coordinate calendars with Judge Jack in Court.
- The Court strives to provide dates that make sense for the case; communication with the JA and/or the Judge on this point is critical and encouraged. Otherwise, the JA and/or the Judge will assume the date being set has a neutral (or helpful) effect on the case.
- A motion is “cross-noticed” or “piggy-backed” when it is added to another hearing date. This may be done ONLY WITH the agreement of the opposing party (and with notice to the Court) or with the Court’s approval over objection, and with the understanding that the added motion may have to be completed at a later date if time runs out.
- There are no “uniform” calendar dates or times, other than double pro se final hearing dates. In other words, all hearings are case-specific.
- Fridays are now reserved almost exclusively for emergency hearings.

## Specifically – How to Schedule Hearings Using JAWS

- We are now using JAWS to show available hearing times; time is shown in 30 minute blocks, so you will group 30 minute blocks for longer hearings. When you request time through JAWS, JAWS holds the time and auto-generates an email to the JA. You can set longer hearings but JAWS will not allow you to reserve multiple blocks. Therefore, if you are requesting a hearing longer than 30 minutes, check JAWS for availability, secure the first block, and then immediately email the JA to get the longer hearing scheduled. She will reserve all needed blocks of time for you. (Note, the hearing is not confirmed until the JA confirms it is scheduled; as much as we try, JAWS time is not always as up to date as the Court’s calendar.)
- The JA will then respond that your request has been approved, or with information or questions (such as: Judge Jack would like a CMC first; Judge Jack is specifying this be in person; has mediation occurred? etc.)
- Not all parties have access to JAWS (pro se parties, non-local attorneys, etc.). Please do your best to schedule using JAWS, but reach out to the JA if you need assistance. We are using JAWS to help us all be more efficient, not cause problems or delays.

- If you need expedited time and there is nothing showing in JAWS soon enough for your issue, contact the JA; other times not showing in JAWS are usually available (early, late, over lunch, etc.).
- JAWS is usually up to date, but please note, because hearing time is given out in other ways, conflicts sometimes arise. If a conflict arises, we will notify you immediately.
- IN SUMMARY: Steps for scheduling:
  1. Check JAWS for available time and coordinate with the opposing party.
  2. Use JAWS to select the time you want to reserve. Specify if you would like the hearing in person or by Zoom. All time is listed in 30-minute increments. If you are requesting a longer amount of time, please secure the first 30-minute increment and email the JA asking for all the 30-minute blocks needed.
  3. The JA will send you confirmation and/or other specific case information, along with a Zoom link for the hearing. (Examples of possible information may be: "Judge Jack wants a CMC first; you must attend mediation first; etc."). Prepare your notice of hearing.

## Cancelling Hearings / Voluntary Dismissals

- If you cancel a hearing, please file a Notice of Cancellation or Voluntary Dismissal and email it to the JA at [Section24@jud6.org](mailto:Section24@jud6.org). Otherwise, we will not see it. Note that typically, your notice will not be visible in the docket for several days.

## Remote Hearings / Zoom Hearings

- Trials and longer hearings are typically held in person; possibly, some witnesses can appear by Zoom. For good cause, the entire hearing may be held on Zoom.
- Many hearings are held on Zoom for convenience. For persons without computer access, Zoom allows parties to call in by phone. All Zoom invitations contain both computer log-in and phone dial-in information.
- The Court has a HIPAA-compliant license for Zoom. All Zoom hearings will be set by the Court using its own Zoom account.
- Zoom meeting information is sent by the Court to the attorneys or pro se parties; those persons should share the Zoom information with anyone they wish to attend the hearing. Also, since Courts are open to the public, the Zoom information must be placed on the notice of hearing filed with the Clerk (see below, regarding Notices of Hearings).
- No one may record a Zoom hearing without the Judge's permission. This includes using another device to record audio or video, or doing "screen captures." If recordings are made in violation of this rule, the Judge will take appropriate action.
- All participants shall dress appropriately and behave as if they are in court, including using the mute button if needed.

- Before you join a hearing, please try to change your Zoom name to be accurate (and not “Galaxy 2204; “Mike’s ipad;” “Nokia” etc.). This is done in the Zoom app, BEFORE logging into the hearing.
- When you join the hearing, you will be in the Zoom waiting room until the Judge brings you into the hearing, If the meeting has started and you are in the waiting room, the Judge will let you in at the appropriate time.
- The Court allows parties to screenshare.
- The Chat feature is active and may be used as needed. Note that chat messages may be read into the record and/or printed and made part of the Court file.
- Breakout rooms will be created as needed. These rooms are completely private and not monitored by the Court or a third-party in any way.

### After a Hearing is Set / Notices of Hearings

- Courtrooms are public, and all parties are entitled to Notice. A written Notice of Hearing is filed for all Court dates.
- Motions: The movant (or the party requesting a hearing) must file a notice of the hearing with the Clerk, serve the opposing party, and e-mail a copy to the JA; this notice should include the title of the motion, the date the motion was filed, the Zoom information provided by the JA (including Zoom phone call-in numbers), and service information (details about how the notice was sent to the opposing party). JAWS takes care of these steps when used properly.
- CMCs (case management conferences)/Pre-trial conferences/Trials – The JA will prepare these notices.

### MOTIONS: Very Short Hearings / Ten-Minute-Calendars:

- Section 24 holds regular “10 minute calendars” for short, routine hearings such as uncontested final hearings, simple motions to compel discovery, motions to withdraw, etc.
- One zoom link is used for all hearings, with set times staggered in 10 minute intervals.
- Dates are offered a few weeks out. We are trying to vary the times offered, such as early morning, over lunch, late afternoon, etc.
- Please contact the JA at [section24@jud6.org](mailto:section24@jud6.org) for the current dates being offered.
- Please let us know if there are certain regular days / times you think it would be helpful for us to offer in the future.

### MOTIONS: Filing Emergency / Expedited Motions

- Emergency / Expedited motions must be filed with the Clerk.
- PRO SE PARTIES: The Clerk will scan your motion, and email it to the JA and the Judge. If you want to make sure it is received, you may also email it to: [Section24@jud6.org](mailto:Section24@jud6.org).

- ATTORNEYS: Please note, the Clerk does not send us your e-filed emergency motions [in fact, the Clerk does not even know your motion was filed]. E-Mail your motion to the Judge immediately at [Section24@jud6.org](mailto:Section24@jud6.org) . If you do not receive a confirmation email, also call the JA, as we have had emergency motions go to SPAM. If you do not receive confirmation within a reasonable time, contact the St. Petersburg Courthouse duty Judge during business hours to review your motion.
- OUT OF OFFICE: Even if you receive this message, the Judge may see and rule on your motion. You may wait to see if the Judge rules, or you may contact the duty Judge.
- Duty Judge Information may be found here: [Sixth Judicial Circuit of Florida - Pinellas and Pasco Counties - Court Calendars \(jud6.org\)](http://jud6.org)
- Judge Jack will try to act quickly. She will likely: rule without notice to the opposing party and set a return hearing; request a written response from the opposing party; and/or deny ex parte relief and direct as to next steps.

### MOTIONS: Return Hearings on Emergency / Expedited Motions

- If ex parte relief is granted, expedited hearing time will be set for the Court to hear both sides of the issue and determine if emergency relief is justified.
- Note to Attorneys: Fridays are now reserved for emergency return hearings. Other days may also be set if everyone is available, but Fridays will be the default day. If you file an emergency motion, or are hired to respond to one, it is expected you will be available on Fridays in the immediate future until the completion of the hearing.

### MOTIONS: Motions for Temporary Relief

- Florida case law recognizes that temporary relief hearings are abbreviated, discovery is usually incomplete, any relief granted is not final, and findings may be revisited in the final judgment; a hearing for temporary relief is not expected to be a discovery vehicle or a full-blown trial. With these principles in mind, and to help conserve the Court's limited resources, the parties are encouraged to reach agreement when possible, including as to what issues are in dispute. Note, the Court does not consider temporary agreements to be concessions of facts or final outcomes.
- Mediation is usually required before a hearing will be held for temporary relief. See AO 2011-006 PA/PI-CIR. Please include mediation information, such as:
  - mediation occurred and failed;
  - mediation is set on a certain date; or
  - request that mediation be waived. Note, even if the Judge waives mediation, she may require that the attorneys speak before the hearing.
- The Court may schedule a case management conference prior to the hearing to discuss housekeeping matters.

- Proffers of evidence are strongly encouraged, with testimony only on the key facts in dispute.
- At the start of the hearing, the Court will likely ask:
  - Movant:
    - the specifics of the relief requested;
    - a proffer of evidence supporting that relief; and,
    - argument as to why the relief should be granted.
  - Opposing Party:
    - the specifics of any alternative relief suggested;
    - a proffer of evidence supporting that proposal; and,
    - argument as to why the relief should be denied and/or alternative should be adopted.
  - The Court may then work with the parties to identify the factual issues actually in dispute prior to taking evidence, to make sure the hearing is completed in the scheduled time.

## MOTIONS: Agreed-To Motions / Motions Not Requiring a Hearing

- The following motions do not require a hearing:
  - Stipulations between the parties (Judge Jack may set a CMC or hearing if she has questions);
  - Motions for Substitution of Counsel if signed by incoming counsel;
  - Motions to Appoint Special Process Server; and,
  - Final Judgments of Paternity when all issues have been resolved by signed agreement (Judge Jack may request a hearing if she has questions).
- Parties may upload agreed-to Proposed Orders to JAWS with a cover letter advising the Judge that the parties are in agreement. If a party does not have access to JAWS, the proposed Order may be emailed to the JA at [section24@jud6.org](mailto:section24@jud6.org).

## MOTIONS: Discovery Disputes

- Counsel disputing a discovery response should first send a good faith letter to the opposing party outlining the deficiencies in the responses. The good faith letter should provide for a reasonable response time, such as 10 days.
- Before setting a motion to compel for hearing, the movant should first contact the opposing party to try resolving the matter. If there is no resolution, the motion should include the prior good faith letter as an attachment.
- If a motion to compel alleges a complete failure to respond to a discovery request, you may request an ex parte order compelling disclosure without a hearing. To do this, upload a cover letter and proposed order in JAWS, or email the JA at [section24@jud6.org](mailto:section24@jud6.org), with attachments.
- Note: For attorney's fees to be ordered, the motion must be set for hearing.

## MOTIONS: Withdrawal of Counsel - Stipulated

- If stipulated by the client, Judge Jack may sign an order approving withdrawal of counsel. If it appears there may be any pending discovery disputes, the Judge may ask the motion to be set for hearing along with a case management conference; after clarification between counsel and the parties, the motion to withdraw will likely be granted.

## MOTIONS: Withdrawal of Counsel – Not Stipulated

- Your motion must be set for hearing.
- At least seven days notice must be provided to a client who does not stipulate to the withdrawal.

## MOTIONS: Substitution of Counsel

- A client must agree in writing to a request for substitution of counsel. See Florida Rule of Judicial Administration 2.505(e)(2).
- If the prior attorney, the new attorney, and the client, sign in agreement with the substitution of counsel, no hearing will be required.

## Pre-Trial Conferences / Setting Trial Dates

- A request for a pretrial conference generally means the case is ready to be set for trial. If the parties are in agreement that a case is ready for trial, one or both of them may contact the JA to set a pretrial conference. (Judge Jack may look at the docket when a pretrial conference is requested; if she has questions, she may schedule a CMC before the JA will set the pretrial conference.)
- If the parties are not in agreement that the case is ready for trial, the party requesting a trial should file a notice that the case is ready for trial, and set the motion for hearing along with a case management conference.
- Typically, the JA will set the pretrial conference date only, and Judge Jack will set the trial date from the pretrial conference. However, if the parties are in agreement about the length of trial and generally when the trial should occur, they may ask the JA for a trial date too.
- Parties should not prematurely schedule a pretrial conference just to reserve Court time; if a trial date is needed quickly, please request expedited time for a case management conference to discuss scheduling.
- Unless the issues are very limited or straightforward, Judge Jack will issue an order setting pretrial conference and requiring a pretrial memorandum. According to the Family Law Rules of Procedure, these should be filed 72 hours or more prior to the pretrial conference; however, the parties may agree to a shorter time period without approval from the Court. Please email the memorandum to the Judge at [section24@jud6.org](mailto:section24@jud6.org) at least 24 hours in advance of the pretrial conference. [Note: There may be a several day delay between when a document is filed with the Clerk and when it can be seen in the docket.]

## Trials (Final Hearings) & Evidentiary Hearings

- Openings statements are encouraged, to outline the issues in dispute and the evidence to be heard.
- The manner of closing statements may be discussed with the Judge before or during the hearing. In some cases, it is very helpful to have written proposed findings of fact and conclusions of law. In other cases, oral arguments may be preferred.

## Submitting Evidence for Trials & Evidentiary Hearings

- PAPER – Exhibits should be sent in advance to Judge Jack, on paper in a binder. An index of exhibits should be at the front. These should be delivered to chambers at the St. Petersburg Courthouse, 545 1<sup>st</sup> Ave North, Ste. 317, St. Petersburg, Florida, at least 24 hours prior to the hearing. If you need to send these via mail, please allow additional time.
- EMAIL – If you have fewer than 30 pages total, you may email your exhibits to the Judicial Assistant at [section24@jud6.org](mailto:section24@jud6.org).
- Recordings to be reviewed during the trial or hearing can be shared by Counsel but need to be on CD or DVD to be filed with the Clerk; the Clerk will not accept thumb drives due to the risk of viruses.

## Submission of Memorandum / Case Law for All Hearings

- Memorandum or case law should be sent within a reasonable amount of time prior to the hearing. If the opposing party needs additional time for research in light of the timing of the opposing party's submission, the Court may grant that request.

## Special Masters / Specially-Appointed General Magistrates

- For complex or any cases, the parties may agree to use any attorney (with the Court's approval) to preside as a Special Master/Specially-Appointed General Magistrate over some or all issues in the case. The parties must pay for that attorney's services.
- Examples of issues that parties may wish to refer include: sale of the marital home (with proceeds from the sale of the home); business valuations; property valuations; discovery schedules or disputes; complex equitable distribution issues; etc.
- Judge Jack encourages this option if the parties believe it will be helpful to the case.

## Minor Children – Testimony and Attendance

- Minor children are not permitted to testify or attend hearings without a prior finding of good cause by the Judge. The parties may stipulate to child testimony, and submit their agreement to the Court for approval; if Judge Jack has questions, she will set a hearing.

- Disputed motions to allow child testimony should be filed, with hearing time requested.

### Attorney's Fees Disputes

- During a trial, Judge Jack typically will take testimony only as to entitlement to attorney's fees (and will reserve as to the amount), unless counsel request a different procedure.
- Judge Jack may require the parties to mediate a fee dispute prior to hearing.
- Prior to hearing, the parties should exchange affidavits outlining the reasonable number of hours requested and the reasonable hourly fee.
- Fee affidavits are sufficient in lieu of expert testimony if both parties agree.
- Counsel must confer prior to the hearing to discuss resolution. Counsel must be permitted to speak with the opposing party's expert(s) if requested.
- All fee awards must meet the requirements of Florida Patients' Compensation Funds v. Rowe, 472 So.2d 1145 (Fla. 1985).

### Proposed Orders / Judicial Automated Workflow System (JAWS)

- Orders are prepared by Counsel, and/or Judge Jack, depending on the case and issues. Proposed orders should be sent to the opposing party for review before submission to the Court. Judge Jack may request that proposed orders be emailed to her JA in Word format in order to allow for editing.
- If both parties agree to the wording of a proposed Order, they should submit it for Judge Jack's signature via JAWS with a cover letter that the parties are in agreement with the wording of the proposed Order.
- If the parties disagree about the wording of a proposed Order, the movant's proposed order should be emailed to the JA, advising of the basis for the disagreement. The opposing party may submit objections to the proposed order via email, and/or may submit an alternative proposed order.
- JAWS now requires that the email addresses of parties be connected to the case in JAWS. For proposed Orders that she signs in JAWS, Judge Jack will NOT check to see that this has been done correctly. It is the responsibility of the party submitting the proposed order to ensure that all necessary parties are included in the JAWS e-mail list. Please note that JAWS and Odyssey are not connected; providing or updating email information in Odyssey does not update JAWS.

### Court Reporters / Digital Court Reporting

- Only the following family law hearings are digitally recorded by the Court:
  - Injunction hearings
  - General Magistrate Hearings
  - Child Support Hearing Officer Hearings
- If your hearing was digitally recorded, transcripts may be obtained by contacting Digital Court reporting, which can be found at the [www.jud6.org](http://www.jud6.org) website under Court Reporting.

- The Court does not provide court reporters (or digital recording for any hearings not listed above). If you want a court reporter present, you must arrange for that service with a private court reporter.
- Court reporters should be invited to attend Zoom hearings like any other participant.
- Parties should coordinate so that only one court reporter appears; either party may order a transcript from a court reporter.
- The Court does not require court reporters EXCEPT for some adoption cases (see below); the movant must arrange for a private court reporter.

## Referrals to the General Magistrate / Child Support Hearing Officer

- The St. Petersburg Courthouse has a full-time General Magistrate. Her name is Rachel Licon. Her assistant is Noel Ballard, and her email address is: [stpetegmcircuit6@jud6.org](mailto:stpetegmcircuit6@jud6.org).
- Most cases in which both parties are pro se will be referred to the General Magistrate, unless Judge Jack is involved with emergency and/or high conflict issues that are ongoing.
- General Magistrate cases are still in Division 24, but will proceed in front of Magistrate Licon for hearings and recommendations. Judge Jack makes the ultimate decisions on these cases, but she is limited to reviewing whether Magistrate Licon followed the law.
- Court staff automatically refers administrative Child Support cases to the Child Support Hearing Officer, pursuant to case law. The St. Petersburg Child Support Hearing Officer is Amber Cain. Court staff will contact parties if she is handling a matter.

## Objections to General Magistrate / Hearing Officer Recommendations

- A party objecting to a recommendation of the General Magistrate or the Child Support Hearing Officer must provide a transcript of the hearing that was held.
- These proceedings are digitally recorded and saved. Transcripts may be obtained by contacting Digital Court reporting, which can be found at the [www.jud6.org](http://www.jud6.org) website under Court Reporting.
- Note, Judge Jack must approve recommendations that are supported by the law and facts presented. She can only reject recommendations that are not consistent with the law and/or facts presented.

## Adoptions

- Adoptions are reviewed by the Court's Staff Attorney. Once the Staff Attorney has approved setting a final hearing, the JA may be contacted for dates.

- If the adoption involves a minor and it is contested, the movant MUST arrange for and pay for a Court Reporter. The Court cannot provide this service, or hold the hearing without a Court Reporter. Court Reporters should be invited to attend Zoom hearings like any other participant.
- Signed orders can be obtained from the Clerk, certified, within 30 days of signature. Parties are urged to obtain certified copies within that time frame. After that, adoptions of minors are sealed and a party must file a motion to unseal the file to obtain certified copies.

### Name Change Petitions / Hearings

- Name changes are reviewed by the Court's Staff Attorney, Anja Shropshire.
- Many name changes can be handled without a hearing, in which case the Staff Attorney will prepare an Order for Judge Jack. Orders can be obtained from the Clerk, certified, within a week or so of the hearing.
- The Staff Attorney will determine if a hearing is required. In the event a hearing is needed, you will be notified to contact the JA for hearing time. Hearings are usually held only if there are questions about the case.

## SAMPLE: Body of Order Setting Pretrial Conference

### PRETRIAL CONFERENCE ORDER

This Cause has come before the Court being at issue and ready for pretrial conference, pursuant to Rule 12.200. The pretrial is scheduled for:

DATE/TIME  
for 30 minutes

All parties and their Counsel are to appear at the pretrial conference, unless the Court orders otherwise. The pretrial conference shall be held via Zoom teleconference. The Court shall send a Zoom invitation via email, and the Court will prepare the Notice of Pretrial Conference.

### PRETRIAL CONFERENCE REQUIREMENTS

- Each party shall be familiar with the evidence and have full authority to make disclosures of facts, make admissions, stipulate to undisputed facts, and waive technical requirements covering the admission of evidence.
- Witnesses who have busy calendars (such as an expert or Guardian ad Litem) should be invited to attend the pretrial conference for scheduling purposes. The Court will choose a trial date at the start of the hearing to limit their time at the hearing.
- No motions will be heard. All pending motions that the parties wish to have resolved shall be disposed of prior to this hearing, or they may be considered withdrawn or moot (unless said motions are interrelated with trial issues and are to be resolved in the Final Judgment).
- Counsel are to confer prior to the pre-trial conference to discuss the possible settlement of some or part of the case. The Court also asks counsel to reach agreement on any trial housekeeping issues.
- The Court expects that the parties will file meaningful memorandums and be prepared. If the parties believe the pre-trial conference will be more productive at a later time, they may jointly request that the pre-trial date be cancelled or continued; the parties may contact the Court's Judicial Assistant at [section24@jud6.org](mailto:section24@jud6.org) to request an expedited case management conference ("CMC") if there are scheduling matters they would like to discuss before requesting a continuance.
- By requesting a trial date, Counsel are acknowledging that they and their clients will be fully prepared to try the case when scheduled, inclusive of all financial matters between Counsel and clients.

### MEMORANDUMS REQUIRED

The Court requires each party to prepare a pretrial memorandum. Per the Family Law Rules of Procedure, pretrial memorandums must be filed 72 hours or more prior to the pretrial conference. The parties may stipulate to a shorter time

period without approval from the Court, but memorandums must be provided to Judge Jack at least 24 hours in advance of the pretrial conference.

## CONTENT OF MEMORANDUMS

The organization of the memorandum follows the order in which these issues will be discussed, as well as the order in which they will be listed in the resultant Trial Order. A party may choose to write portions of the memorandum in narrative form if desired.

1. Trial
  - Advise of the expected length, and any scheduling considerations.
  - Advise if the trial is expected to be in person or by Zoom.
2. Trial Issues
  - Parenting Plan and Time-Sharing Issues
    - i. Provide information about what is being sought in terms of timesharing and parental responsibility. Identify any unique or key issues in dispute.
    - ii. Provide information about medical insurance, tax exemptions, stimulus funds, travel expenses, child care expenses, and any other such issues in dispute.
    - iii. Attach your proposed parenting plan with time-sharing schedule.
  - Child Support
    - i. Provide an overview of the child support issues in the case and whether future, retroactive, and/or arrears child support is at issue, and any other matters in dispute.
    - ii. Attach any and all proposed child support guidelines.
  - Equitable Distribution
    - i. Attach your equitable distribution worksheet.
    - ii. Provide information about the disputed issues, and provide proposals regarding the distribution of various assets, such as the marital home and other real estate. Advise of any valuation issues, and any disputes as to whether property is marital or non-marital. Advise of any pre- or post-nuptial agreements, and whether their validity or application is in dispute.
    - iii. Advise of the date of your most recent Financial Affidavit and advise of any related issues.
  - Alimony
    - i. Advise of the nature of alimony sought: permanent, rehabilitative, durational, or bridge-the-gap.
    - ii. Advise of any issues in dispute, such as income imputation, vocational issues, or disagreement as to the marital lifestyle.
  - Attorney's Fees
    - i. Advise whether attorney's fees are being sought and if so, state the legal basis for that request. Advise whether some

- or all attorney's fees issues should be presented at trial, or whether they are best addressed after trial.
  - ii. Summarize the amount of fees incurred through the pretrial, and the amount that will be needed through trial.
- Other
  - i. Advise of any unusual or specific issues that are in dispute.
- 3. Pleadings
  - Advise whether any amendments are anticipated, and provide any necessary explanation.
- 4. Discovery
  - Provide information about the status of discovery, any unique discovery issues, and what specific discovery deadlines are desired.
  - Provide information about the status of depositions still to be taken.
- 5. Witness Lists
  - Attach a proposed witness list, identifying who each witness is in relation to the case, with a brief statement as to why he or she is listed if this is not obvious.
- 6. Expert Witnesses
  - Advise whether any experts are expected to testify (i.e. forensic CPA's, experts on business valuation, forensic psychologists, etc.)
- 7. Exhibits
  - Attach a preliminary exhibit list.
- 8. Summaries
  - Advise whether you intend to provide any summaries, tables, schedules, or timelines, and describe them.
  - The Court encourages the use of such documents to expedite the trial, but they must be provided in time for the opposing party to review them for accuracy. See Florida Statutes 90.956; time frames may be shortened by agreement.
- 9. Stipulations
  - Advise what stipulations are foreseeable. If certain facts are not in dispute, the parties may (and are encouraged to) stipulate to them to expedite the trial.
  - Advise whether you agree to waive ministerial witnesses and records custodians. [Such waiver does not operate as a waiver as to other objections (such as hearsay or relevance) unless the parties have agreed to that in writing.]
- 10. Court reporter
  - Advise whether the provision of a court reporter should be discussed at the pretrial, or whether the parties intend to work this out themselves.
- 11. Memorandums of Law
  - Advise whether the case raises any novel, complex, or heavily-disputed legal issues that the parties should brief in preparation for trial.

- Suggest a time-frame for the provision of any legal briefs if desired.

12. Mediation

- Advise the Court of the parties' attempts to mediate the issues in dispute, and whether any additional mediation for some or all of the issues may be helpful.

13. Other

- Advise the Court of any other matters or issues of relevance.

## SAMPLE: Body of Trial Order (entered after pretrial)

### ORDER SETTING TRIAL AND OTHER DATES

This Cause came before the Court for a pretrial conference held on \_\_\_\_\_. Present via Zoom hearing were the parties and their Counsel.

Pursuant to Rule 12.200, Family Law Rules of Procedure, the Court ORDERS as follows:

#### 1. Trial Date

- DATE, time
- This trial will be in person at the St. Petersburg Courthouse, 545 First Ave North, Ste. 317 (courtroom tbd), St. Petersburg, Florida, 33701. The parties are expected to appear in person.
- Any and all witnesses may appear by Zoom if both parties agree. If the parties disagree, the party seeking Zoom appearance must seek Court approval prior to the trial.
- A Zoom link is always sent (even for in person trials) in the event it is needed. Only one Zoom link will be provided for multiple day trials.
- **OR**
- This trial will be held fully by Zoom. Court staff will send a Zoom link. Only one Zoom link will be provided for multiple day trials.
- Court staff will prepare a notice of trial.

#### 2. Trial Issues

- The parties agree that the following issues are to be heard at trial:
- Children
  - i. Parenting plan
    - 1. "Substantial Change" is Disputed
    - 2. Timesharing
    - 3. Parental Responsibility
  - ii. Child support
    - 1. Future
    - 2. Arrears
    - 3. Retroactive
- Equitable Distribution
- Alimony
  - i. Permanent
  - ii. Rehabilitative
  - iii. Durational
  - iv. Bridge the Gap
- Attorney's Fees
  - i. Entitlement – Petitioner
  - ii. Entitlement - Respondent

- iii. Amount
  - iv. Reserve as to Amount
  - Other / Any unusual specific issues that need to be tried
- 3. Pleadings
  - The following amendments are permitted:
- 4. Discovery
  - All mandatory discovery shall be updated by:
  - Specific additional discovery deadlines:
- 5. Witness Lists
  - The parties shall exchange and file their witness lists by:
- 6. Expert Witnesses
  - Experts are anticipated on the following issues:
- 7. Exhibits
  - Exhibit lists shall be filed on or before:
  - Exhibits shall be:
    - i. Exchanged between the parties by whatever means they find agreeable on or before:
    - ii. Provided to the Court, marked for identification and in a binder with tabs if voluminous. For in person trials, the binders may be brought to Court. For Zoom trials, please deliver the binder to Ste. 317 one or more days prior to trial.
- 8. Summaries
  - The Court encourages the use of summaries to expedite the trial, but they must be provided to the opposing party with proper notice. The parties may shorten the time for the provision of notice by agreement.
- 9. Stipulations
  - The parties shall make every effort to stipulate to preliminary and uncontroverted factual or other matters, preferably in writing, to expedite the trial of this case. These stipulations can include any and all facts that are not in dispute.
  - The parties agree to waive ministerial witnesses and records custodians. Such waiver will not operate as a waiver as to other objections (such as hearsay or relevance) unless the parties have agreed to that in writing.
- 10. Court reporter
  - The Court reporter's appearance will be secured by:
  - **OR** The parties will confer as to the provision of and payment for a court reporter so as to not duplicate costs.
  - The Court will decide the allocation of costs for payment of the court reporter if requested.
- 11. Memorandums of Law
  - The parties anticipate providing memorandums of law on these topics:
  - The parties will exchange and provide these to the Court on or before:

12. Mediation

- The parties must mediate by:
- **OR** The parties are encouraged to continue with any settlement efforts, but no additional formal mediation is required.

13. Other

- With the agreement of the parties, the Guardian ad Litem's report shall be provided to both parties on or before \_\_\_\_\_
- **OR** The parties and Court have waived the requirement of a written report from the Guardian.
- The Court advises that in any given case, should the evidence show that it is in the child's best interest to order a provision that was not specifically requested in a pleading (i.e. certain parental responsibility, certain timesharing), the Court will consider ordering that provision, advise the parties of such, and ask if there is additional evidence either party would like to present.

14. Proof

- Witnesses, documents, and other exhibits that have not been disclosed in the pretrial memorandum, or in permitted amendments or subsequent filings in accordance with this Order, may be excluded from trial.

15. Failure to Comply

- Failure to comply with the requirements of this Order may subject the party and/or counsel to appropriate sanctions. Sanctions may include the striking of pleadings, refusal of the Court to award attorney's fees and costs, and any other sanctions deemed appropriate by the Court.
- All litigants must comply with this Order.