



HONORABLE NICOLE PEARLMAN
Family Law Section C1/L/M1/EZ
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JUDICIAL PRACTICE PREFERENCES

1. Everyone shall treat everyone involved with dignity and respect.
2. Court staff SHALL be treated with dignity and respect.
3. All communication with this office shall be by email. The email shall include the following: case number, type of motion/issue, length of hearing requested, and which party you represent.
4. Every motion should indicate if the opposing party has an objection or why the movant should not have to contact the opposing party in advance. It is always the first question of the Court and is rarely addressed in motions.

ZOOM PROCEEDINGS

Any party driving during a zoom/remote proceeding is subject to the Court instantly removing the party and requiring the party to appear in person for ALL future hearings. Removal for appearing while driving will waive the party's ability to be heard at the proceeding and the Court will continue without the party AND will not readmit the party to the proceeding. **NO ONE MAY DRIVE WHILE APPEARING VIA ZOOM.** It is inherently dangerous to the Public and the Court will not ask the party to pull over, but will promptly remove the party to avoid further endangerment to the motoring public.

The Court has added this provision based on increased frequency of this behavior. Parties should know that this Court **WILL NOT** tolerate such illegal and dangerous behavior.

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 to show his/her driver's license to the camera upon request during a Zoom hearing)

EVIDENCE

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 (between the parties): 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 THE HEARING (submission to the Court)
The exhibits should be submitted to the Court in PAPER FORMAT. DO NOT FORWARD LINKS FOR YOUR EXHIBITS SUCH AS GOOGLE DRIVE OR DROPBOX.
3. 3 DAYS PRIOR TO HEARING: Email all case law anticipated to be argued to crfame2@jud6.org.
4. REDACTING SENSITIVE INFORMATION: It is the responsibility of the person seeking admission of evidence to ensure that all sensitive information is redacted prior to requesting admission of the exhibit. Please review Rule 2.45, Fla. R. Gen. Practice and Jud. Admin., to ensure that all sensitive information has been redacted from your exhibits.
5. A party intending to call a witness by Zoom shall ensure the witness has copies of all documents the witness will be inquired on.

WITNESSES

If you plan on calling witnesses, a witness list shall be exchanged between the parties 5 days prior to the hearing and emailed to the Court at crfame2@jud6.org three days before the hearing. The parties are responsible for providing Zoom login information to their witnesses if approved for remote appearance. A witness that does not know how to properly use Zoom is the **sole responsibility of the Party** calling that witness. If a Party does not believe the witness is capable of using Zoom, a witness may appear in person at the courthouse and the Court will accommodate having them join the proceeding.

If this needs to occur, you must inform the Court three days before the hearing so accommodations can be made.

Document intensive witnesses should not appear by Zoom.

INTERPRETERS

The court does not allow interpreters to appear by Zoom if the hearing is an in person hearing.

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.

In person hearings require an in person Court reporter.

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.

PARTICIPANTS SHOULD ADHERE TO THE FOLLOWING GUIDELINES FOR ZOOM HEARINGS:

- A. THE PARTICIPANT MUST BE ON STABLE INTERNET AND NOT APPEAR VIA A CELL PHONE SIGNAL. This causes issues related to signal strength, and as the hearing goes on connection problems related to throttling.
- B. 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.

- C. 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 into the virtual hearing by the presiding judge upon the start of the hearing. Do not disconnect if the proceeding does not start on time.
- D. Please “*rename*” yourself on Zoom to show your actual name, so you can be readily identified by others for your hearing.
- E. Any witnesses will be left in the waiting room/breakout room until such time as they are “*called*” to testify, at which point they will be admitted to the virtual hearing room.
- 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.
- 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. 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).
- K. Participants are encouraged to mute themselves when not speaking in order to avoid any potential background noise.
- L. When a participant is speaking to another specific participant, s/he must address that participant by name each time.

- M. You may ask to show a witness a documentary exhibit which has been timely provided, in advance, to the court by sharing your screen. The parties are encouraged to practice this beforehand to avoid delays during the hearing.
- N. 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.
- O. 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.
- P. 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.

Sometimes counsel asks to record the Court’s findings in 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.

SETTING HEARINGS:

Motions must be e-filed with the Clerk of the Court, opposing counsel/self-represented party, AND THE COURT prior to scheduling a hearing. All hearings must be coordinated with opposing counsel.

All Motions shall be mediated prior to obtaining dates for a hearing from the court unless specifically waived by the Court.

CMC's, Uncontested Final Hearings, Motions to withdraw and other simple matters may be set by contacting the Judicial Assistant.

A hearing cannot be scheduled before service of the pleadings.

If the Court rules on an Emergency/Expedited Motion requiring the parties to schedule a hearing, mediation is considered waived for the Motion by the Court.

Do not schedule hearings via 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.

CANCELING HEARINGS:

Filing a Notice of Cancellation does not cancel a hearing with Judge Pearlman. The parties shall immediately notify the JA of any canceled hearings so that the time reserved may potentially be used by other parties. Parties wait substantial periods of time to have hearing time with the Court and untimely notice of cancellations results in lost hearing time that other parties may be able to use. If the parties wish to cancel a hearing, they shall either withdraw their motion or have an agreement on the issue.

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 PEARLMAN.

ONLY Agreed upon proposed orders may be uploaded to JAWS and will be signed with Judge Pearlman's electronic signature.

If an order is not agreed upon, you may email the proposed order to the JA with a cover letter outlining the points of disagreement.

You must also upload an explanatory cover letter with JAWS orders. All documents are to be uploaded as PDF documents. The instructions for uploading orders are as follows:

- JAWS submissions of proposed orders to the court should consist of two uploads:
 - ✓ 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.**
 - ✓ The proposed order shall include all exhibits referenced in the Order. (i.e. Marital Settlement Agreement, Parenting Plan, etc.)

- ✓ The order or judgment to be reviewed and signed, **and nothing else**, goes in the **second location where the title of the document must be filled in.**
- ✓ **DO NOT** send unsigned proposed Orders to the Clerk of Court.

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 email 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 that all email addresses have been added to JAWS. The JA and the clerk DO NOT maintain the associated party data base.

NOTICE OF HEARING:

Please provide a courtesy copy of the Notice of Hearing by email to crfame2@jud6.org.

Ensure proper and timely notice is sent to all parties. 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.

MEDIATION

Pursuant to Administrative Order 2011-006 PA/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. If a party does not believe mediation should be required, the Court will review those requests on a case by case basis.

MOTIONS TO CONTINUE:

The motion must state the length of time requested for the continuance AND IF THE OPPOSING PARTY HAS AN OBJECTION.

TEMPORARY MOTIONS HEARING REQUEST:

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 Court does not require the filing of temporary relief memos. However, if the relief is financial, the movant shall have a Financial Affidavit filed.

SETTING PRE-TRIAL CONFERENCES AND TRIALS:

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.

PRE-TRIAL MEMORANDUM:

At least 72 hours prior to said pre-trial conference, the attorneys/pro se shall each file with the Clerk and serve on the Judge and opposing counsel/pro se a brief memorandum setting forth the information that is required in the order setting pretrial.

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 IMMINENT potential for harm to one of the parties or minor children. 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, seek a written response from the opposing party, or take other appropriate action.

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 AND 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.

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 by emailing it to the Judicial Assistant after it is filed. 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 outlining 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 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.