

Judge Joseph F. Justice
Pasco County Court
Practice Preferences

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Criminal Practice Preferences

Division 17

- 1. Continuances:** Continuances by stipulation are permitted prior to receipt of discovery and/or for the first pretrial conference.

All subsequent requests for continuance are reviewed on a case-by-case basis upon receipt of a motion and proposed order. Any motion for continuance should include a statement as to whether the Office of the State Attorney has any objection. When the Court grants a motion to continue, the date of the next pretrial will be announced in Court. The right to speedy trial must be waived in any motion to continue.

- 2. Waivers of Appearance:** Waivers of appearance are generally permitted. All defendants must personally appear for at least one pretrial conference. Presence may not be waived for Calendar Call or Jury Selection without prior permission from the Court. Waivers will not be permitted for defendants utilizing remote appearance technology. All defendants must be present for motions to withdraw capias.
- 3. Proposed Orders:** JAWS is the Court's preferred method of receiving and signing orders. Proposed orders must be submitted in PDF format. Paper orders are also acceptable but must include return envelopes if the filer wishes to receive a copy.
- 4. Number of Pretrial Conferences and General Timeframes:** Standard cases will be given three pretrial conferences, or approximately six months from the date of filing prior to setting a trial date. The Court is aware that all cases are different and will deviate from this

framework as appropriate. Requests for additional pretrial conferences will be reviewed on a case-by-case basis. The Court may also elect to accelerate the timeframe if the defense is not electing to participate in the opportunity for in-person pretrial conferences.

5. **Jury Trials:** Trial cases will be set for a calendar call docket which will generally occur the week before the trial date. At calendar call, the case will be set for a date certain on the trial docket. Jury trials will be conducted as “pick and go,” with jury selection beginning the morning of the trial. Trial will commence as soon as is practicable after the swearing of the jury. Any pretrial motions/motions in limine must be filed prior to calendar call. Motions will be heard on the date of trial.
6. **Substantive Motions:** Any substantive motions (motions to suppress, stand your ground, motions to dismiss, etc.) must be filed with the Clerk and appear on the docket prior to setting the matter for hearing.
7. **Non-Substantive Motions:** Non-substantive motions (motions to consolidate, motions to transport, etc.) may be submitted directly to the Court. Motions to compel based solely on failure of a party to respond to a discovery request in a timely matter, as evidenced by docket entries maintained by the Clerk, will be granted ex parte upon the submission of a motion and proposed order.
8. **Violations of Probation:** Violation of probation cases will be set for arraignment and then given one pretrial conference. The matter will then be set for final hearing. Additional requests will be reviewed on a case-by-case basis. Actions taken by the defendant post-violation will be considered for mitigation of sentence, but the Court will not provide an extended timeframe to complete conditions post-violation.
9. **Zoom/Video Conferencing:** The Court cannot understate the strong preference for in-person appearances. Requests for appearance via Zoom will be evaluated on a case-by-case basis. All requests must be made via motion and submission of a proposed order. All requests must be submitted to the Court at least 2 working days prior to the hearing. A defendant’s presence may not be waived if utilizing technology for remote appearance.

Additionally, remote appearances will be treated the same as an in-person appearance. This means all parties must exercise the same decorum and behavior required to appear in Court. All parties must appear on camera at all times, and all parties must be dressed in the proper attire for a Court appearance. Technology issues are the responsibility of the party requesting a remote appearance. Any failure to participate in Court due to a technology issue will be treated as a failure to appear.

10. **Scheduling:** Scheduling of special set hearings, add-ons, and any other matters need to be done by calling the Court’s Judicial Assistant. Calendars are not set via online means and e-mails are not permitted for scheduling. If a party wishes to have an additional matter

addressed during a previously scheduled hearing, that party is responsible for informing the opposing party, the Judge's office, and the Clerk of Court.

- 11. Use of Interpreters:** Counsel must inform the Court of the need for an interpreter prior to a hearing. Language Line will not be utilized in matters where a court interpreter could have been requested prior to hearing.

County Civil Practice Preferences

Section O

1. **Scheduling and Cancelling Hearings:** All civil hearings are special set. Parties must schedule and cancel hearings by contacting the Judicial Assistant. Calendars are not available online. Hearings may only be scheduled for motions which have already been filed and appear on the Clerk of Court's docket. All hearings involving opposing counsel must be coordinated. Setting hearings unilaterally is only allowed after three demonstrable efforts to contact opposing counsel. Coordination is not required for matters involving pro se litigants; however, such hearing must still be properly noticed and served on pro se litigants. In the event of cancellation, the party cancelling the hearing must immediately send notice of cancellation to all parties. The Court does not utilize a Uniform Motion Calendar. The Judicial Assistant gives out hearing dates on a first-come, first-served basis, and simply receiving potential dates does not guarantee the availability. Please make sure to confirm any proposed hearing dates with the Judicial Assistant.

Please note the Court prioritizes handling matters on time and on schedule. Hearings that exceed the scheduled timeframe will be continued to a future date.

Cross-noticing of hearings is prohibited without prior approval from the Court.

Please refer to the instructions of Summary Procedure for additional rules in applicable cases.

2. **Telephonic and Remote Hearings:** Counsel of record may appear telephonically for any hearing scheduled for less than 15 minutes. Hearings scheduled in excess of 15 minutes require a motion and proposed order to be submitted to the Court. Most timely requests to appear telephonically will be granted as a matter of course.

All telephonic hearings will be conducted via the Court's conference line at (352) 549-8648. The conference line accommodates up to 100 callers at any given time.

The Court only conducts hearings via Zoom under special circumstances where no other alternative is practicable. These will be determined on a case-by-case basis.

3. **Discovery and Deposition Disputes:** A hearing must be scheduled to address any discovery or deposition dispute with an exception for motions to compel where the sole basis for the motion is a failure to respond within the proscribed time period, and the Clerk of Court's docket reflects the same. In that situation, the party seeking to compel discovery may submit a motion and proposed order without hearing.
4. **Substitution or Withdrawal of Counsel:** An attorney seeking a withdrawal or substitution of counsel may do so by submitting a motion and proposed order. No hearing

is needed if: (1) there is no pending trial and (2) the movant files and submits a client consent to the Court with the motion and proposed order. Otherwise, the attorney must notice the motion for hearing and include the client on the certificate of service.

5. **Proposed Orders:** Parties may submit proposed orders via the JAWS system or in paper. Please do not do both. The Court's preference is for submission via JAWS. All proposed orders should be submitted in PDF format. If submitting paper orders please include sufficient copies and return envelopes, otherwise the Court will be unable to send a copy. On Chapter 82 or Chapter 83 cases which the Court has set for hearing, please do not submit Final Judgments prior to the hearing date.
6. **Trial Scheduling:** Prior to requesting a trial date, parties must submit an Agreed Mandatory Civil Case Management Order (available [here](#)), and in most matters, the Court will require the parties to attend mediation prior to setting a matter for a jury trial. Parties will be set for a Calendar Call the week prior to the Court's trial dates. Please note these Calendar Call dockets are combined with the Court's criminal docket, and certain criminal trials will have priority over civil trials. The Court will give the parties a date certain for trial at the calendar call. Jury trials will be conducted on a "pick and go" basis, with jury selection occurring immediately before commencement of trial. Any pretrial motions must be filed prior to the Calendar Call date. The Court will address motions in limine on the day of trial.
7. **Conduct at Jury Trial:** Voir Dire will be conducted in the Courtroom gallery with all jurors being questions together. The Court may initiate Voir Dire, or leave the matter to the attorneys. Under most circumstances the parties will be limited to three peremptory juror challenges. All parties are to stand for the entry and exit of jurors. Speaking objections are not permitted. Parties should state basis of objection, Court will have parties approach if further discussion is needed. In the presence of the jury parties should request permission to approach the bench or witness stand. All evidence for jury trial should be exchanged at least five days prior to trial and should be pre-marked. The party with the burden of proof shall sit at the table closest to the jurors.
8. **Conduct at Non-Jury Trial:** Parties may move freely about the Courtroom, and do not need to request permission to approach a witness. Parties should address all argument and comments to the Court and not to opposing counsel. Evidence should be exchanged at least five days prior to trial and should be pre-marked. Objections may be made whenever appropriate, and the Court may consider any properly filed motion prior to trial.
9. **Attorney's Fees:** All issues regarding the awarding of attorney's fees shall be handled in a separate hearing after the Court has found entitlement to fees. In situations where all parties agree, fee affidavits may substitute for testimony from experts. The Court may require mediation on attorney fee issues depending on the circumstance.

10. Cases Subject to Summary Procedure under Chapter 51: The Court will set matters governed by Summary Procedure for disposition within 60 days of filing. The Court will permit no deviation from the restrictions of summary procedure except after Court order, and only under extremely rare circumstances. Hearings on matters governed by Chapter 83 of the Florida Statutes will only be set based on strict compliance with the statute. Mediation will only be conducted upon agreement by both parties. Continuances will only be granted if all parties are in agreement, and any closures based on settlement must come from the Plaintiff. If the matter contains an action for possession and an action for damages, or a counter-claim, the possession action will be handled first, and all other actions will be addressed under the standard Rules of Civil Procedure.

11. Courtesy Copies and Documents Provided to the Court for Review: Courtesy Copies of case law should be exchanged at least 48 hours prior to hearing. The Court reviews all pleadings and case documents prior to hearing and additional copies of documents contained in the Court file should not be sent to the Court. Case law is the only thing that should be included in submissions to the Judge's Office. All copies of case law should be in physical form, as the office will not accept submissions via email.

Instructions for Self-Represented Litigants

1. **Communications with the Court:** Judge Justice must apply the same rules to all parties, regardless of whether you have an attorney. Your opportunity to speak with the Judge about your case is when you are in the courtroom as well as in written motions and responses. The Judge may not talk to you about your case outside of the courtroom, so please do not call to speak with the Judge. Judge Justice's Judicial Assistant can help you to schedule a hearing. The Judicial Assistant may not help you with your case or send information to the other party or attorney for you. Please do not ask the Judicial Assistant for the outcome of a hearing or to verify that an order has been signed; you may review the Pasco County Clerk's website for details about your case. Please remember that whenever you file something with the Clerk or provide the Judge a copy, you must send a copy to all the attorneys or parties at the same time.
2. **Emails:** Emails to the Judge are not permitted. The Court will not consider an email to be a motion. If any party wants the Judge to take an action, the party must file a motion.
3. **Landlord/Tenant Actions:** If you are subject to an action for eviction under Chapter 83 of the Florida Statutes, you must comply with all the requirements of the statute in order for the matter to be heard before the Court. These requirements are contained in the Summons from the Clerk of Court. The Court cannot legally waive the requirements, in particular the requirement to deposit rent into the Clerk of Court's Registry, in order to hear your case. While the Court may be sympathetic to personal hardship or circumstance, the law does not permit the Court to make rulings based upon such considerations. Nor does the law permit the Court to consider potential defenses if the party has not complied with the requirements of Florida law.
4. **Corporate Entities and Trusts:** If you are the Plaintiff/Landlord in a contested action for eviction, and the property is held by a corporation, LLC, or a trust (including a revocable or living trust), the property must be represented by an attorney. This is not a Court policy, but a requirement under Florida law. The Court confirms the ownership of any property per the Pasco County records prior to hearing. The Court cannot waive this requirement under any circumstances.
5. **Motions on Criminal Cases:** The courthouse has blank motions available on the first floor in order to have a matter heard before the Court. These are matters such as motions to modify probation, lift a warrant/capias or motions to lift a no-contact order. Parties seeking a hearing should fill out the request as clearly as possible, including a statement of what action the filer wishes the Court to consider. These motions will be set for hearing by the Judicial Assistant and a notice of hearing will be sent by the Judge's Office to the addresses listed in the motion.

Please note the Court cannot consider a motion to lift a no-contact order without the listed victim appearing to provide testimony under oath.

6. **Motions and Requests by Parties Represented by The Office of the Public Defender or Private Counsel:** The Court cannot speak with an individual represented by an attorney, nor can the Court entertain any motion filed by a party with an attorney. You must contact your attorney if you wish to have the Court consider any action on your behalf. This includes motions to continue a matter on an emergency basis.

Other General Instructions

- 1. Electronic Evidence:** Any party wishing to demonstrate evidence via electronic means must have the technology to do so. For security reasons, the Court is not permitted to utilize foreign media such as flash-drives on state owned computers.
- 2. Use of Courtroom Technology:** It is the responsibility of the parties to determine how to utilize courtroom technology and peripherals. The parties may contact the Court's Information Technology section prior to hearing or trial if they wish instruction on in-court technology. The Court will not delay a hearing or trial based on an inability to utilize the technology.
- 3. Required service on the Court:** Petitions and motions that by law must be served upon the Judge (e.g., writs, disqualification motions), must be either delivered directly to the Court's Judicial Assistant or mailed directly to the Judge's office. In the event the document is mailed, parties must call the Judicial Assistant to confirm receipt of the document.
- 4. ADA Notice:** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact either the Pasco County Customer Service Center, 8731 Citizens Drive, New Port Richey, FL 34654, (727) 847-2411 (V) or the Pasco County Risk Management Office, 7536 State Street, New Port Richey, FL 34654, (727) 847-8028 (V) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.