

**JAMES V. PIERCE  
ACTING CIRCUIT JUDGE  
UNIFIED FAMILY COURT SECTION 1**

Judicial Assistant: Darleta  
14250 49<sup>th</sup> Street N., Annex J3.220, Chambers 302  
Annex, Second Floor, Courtroom B  
Clearwater, FL 33762  
727-464-7333

**INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCE**

Please note: Judge Pierce's practice preferences are meant to be guidelines to facilitate the efficient movement of cases through the section over which Judge Pierce presides. These guidelines do not relieve anyone from adhering to statutory and procedural requirements. Additionally, these practice preferences are subject to change. Judge Pierce will make every effort to ensure changes are made widely available and with as much notice as possible.

In an effort to facilitate the efficient and prompt processing of cases, the preferred form of communication when contacting chambers is by e-mail to [dburris@jud6.org](mailto:dburris@jud6.org)

Some forms are available through the Clerk of Court, the Pinellas County Law Library, and online at [www.flcourts.org](http://www.flcourts.org). Bar Area Legal Services is available at 727-847-5494. Lawyer referral services can be contacted through the Clearwater Bar Association at 727-461-4880, or St. Petersburg Bar Association at 727-823-7474.

**Communication with Chambers**

- The judicial assistant is not permitted to answer legal questions, give advice, or explain your situation to the judge. Your opportunity to speak to the judge happens in Court *only*, when all parties are given the opportunity to be present and heard.
- The judicial assistant is typically available from 7:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding Court holidays. Although the judicial assistant may send communications outside of these hours, the judicial assistant might not respond to incoming communications.
- Communications and submissions of documents via email are acceptable and preferred. However, all motions and pleadings must be filed with the Clerk of Court.
- Substantive *ex parte* communications sent to the Court, regardless of how they are sent, will be filed with the Clerk of Court without being reviewed by the Court. Communications solely related to the scheduling of hearings are not substantive.
- Please be advised that all email communications sent to the Court are subject to public records requests.

### **Access and Accommodations**

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 the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) 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.

### **In Person v. Zoom Hearings**

All trials shall be in person, unless a Zoom appearance is approved by the Court in advance. Any requests to appear by Zoom must be submitted to the Court in writing or in person in Court.

All evidentiary hearings shall be in person unless a Zoom appearance is approved by the Court in advance.

If you are appearing in court via Zoom, please make sure your connection is stable. Please use your best efforts to instruct your clients of this requirement as well. In addition, please instruct your clients that if they are appearing by Zoom, they should appear as if physically present in court.

### **Review of Motions**

- The Court cannot file motions on behalf of a party.
- If you wish to file a motion, you must first file it with the Clerk of Court. If you want the Court to review your motion or set a hearing on it, you must contact chambers after the motion is filed.
- Motions or other pleadings sent directly to the Court, without first being filed with the Clerk of Court, will be submitted to the court file and considered as correspondence. Motions sent to the Court without proof of filing will not be reviewed.
- The Court does not review the court file on every case. Typically, the Court only becomes aware that a pleading, motion, or other document has been filed when a party makes the Court aware of it or asks the Court to take some action.
- You may send a courtesy copy of your filed motion to the Court with a request that it be reviewed or set for hearing.

### **Emergency Motions/Hearings**

- All emergency motions must be filed with the Clerk of Court before sending a copy to the Court.

- The Court will not review or consider any emergency motion sent directly to the Court without first being filed by the Clerk of Court. Courtesy copies sent to the Court must include proof of filing. The Court will not review any motion without proof of filing.
- After an emergency motion is filed through the e-portal, the Clerk of Court will submit the motion to the Court for review and determination of emergency status.
- After review, the Court may enter an *ex parte* Order without notice to the opposing party, schedule a hearing, or allow a hearing to be set on an expedited basis, seek a written response from the opposing party, or rule on the matter without hearing.
- If the Court schedules a hearing on an emergency or expedited matter, the Court will do so when time permits on the Court's calendars. Parties and attorneys should be prepared to attend any emergency hearing in the manner and at the time scheduled by the Court.
- A conflict with a hearing scheduled by the Court, whether by a party or their counsel, may not constitute good cause for the matter to be continued.
- If the Court scheduled a hearing, the parties will be held to the amount of time allotted by the Court for the matter. This time shall be equally split between the parties.

#### **Setting of Non-Emergency/Non-Expedited Hearings**

- At this time the Court is not utilizing JAWS for scheduling hearings.
- Except when authorized in emergencies, or as otherwise detailed in these practice preferences, the Court will not take action without a hearing.
- Motions must be e-filed with the Clerk of Court and served upon opposing counsel or self-represented party prior to scheduling a hearing. The Court will not accept any motions not first filed with the Clerk of Court. Although the Court will file correspondence in the court file, the Court will neither file, nor serve motions for a party.
- After filing the motion with the Clerk, a party seeking to schedule a hearing must contact the Court's judicial assistant via e-mail to obtain available hearing dates and times. Please obtain several dates/times, as the proposed dates/times provided to you will not be held and may not be available when you again contact the office to schedule the hearing.
- Parties seeking to schedule a hearing should do their best to estimate the amount of time required for the totality of the hearing, as the Court may not allow additional time for the matter to be heard. The time reserved for the hearing shall be noted on the Notice of Hearing.
- Parties will be held to the time requested, and that time will be split equally between the parties. The manner in which time is to be split is described further in these practice preferences.
- Failure to request sufficient time may result in the Court ruling on a matter with the evidence presented in the time allotted.
- It is not the judicial assistant's responsibility to monitor exchanges of communication between attorneys or their legal assistants. Under those circumstances, please remove the judicial assistant from any email string and notify the judicial assistant once the parties have agreed to a date and time.

- If the agreed upon hearing time will result in an unnecessary delay, or if the parties are unable to reach an agreement regarding the hearing date or length of the hearing, the Court may schedule the matter for hearing or set the matter for a case management conference.
- Upon the agreement of a hearing date/time, you must contact the office to secure the hearing time on the Court's calendar. You must confirm your requested date and time with the judicial assistant. A phone message or email that have not been responded to is not sufficient confirmation that you will receive your requested time. Failure to confirm the hearing date with the judicial assistant will result in the matter not being placed on the Court's calendar.
- After securing the hearing time with the judicial assistant, the moving party must file and serve a Notice of Hearing on all parties.
- All notices of hearing must be filed and served within a reasonable time before the hearing. Failure to file a Notice of Hearing, or a Notice of Hearing filed within an unreasonable amount of time before the hearing, may result in the Court continuing the hearing to another date.
- Parties may not cross-notice a hearing without the prior approval of both the Court and any other parties involved. The Court may elect not to hear a motion cross-noticed without Court approval.

#### **After a Hearing is Set**

- After confirming a hearing with the Court's judicial assistant, filing the Notice of Hearing with the Clerk of Court, and serving a copy on the opposing party, a courtesy copy of the Notice of Hearing may be sent via email to the Court's judicial assistant.
- Please include accurate information in your Notice of Hearing, such as the Judge's name, full of address and courtroom where the matter will be held, the manner in which the hearing will be held, Zoom information if provided and applicable, the time of the hearing, the length of time reserved, the name(s) of the motion(s) to be heard, and the date the motion(s) was/were filed.
- If an attorney or self-represented party wishes to add, delete, or otherwise change the matter(s) to be heard at a scheduled hearing, that attorney or self-represented party must notify and obtain the consent of both the opposing party or self-represented party and the judicial assistant.
- Even if a hearing was scheduled in a Court's Order, the proponent of any petition or motion must also file and serve a separate Notice of Hearing.
- Hearings may not be cancelled without prior consent of the Court and all parties. If a hearing is cancelled, a Notice of Cancellation of hearing must be filed in a timely manner with the Clerk of Court, with a courtesy copy to the Court.
- Hearings scheduled by Order of the Court may not be cancelled by a party without prior written authorization from the Court.

- The Court will allow the parties equal time at a hearing. Parties who fail to properly estimate the amount of time needed for a matter may be limited in the amount of time the Court permits them to litigate an issue.

## **Evidence, Exhibits, and Case Law**

- Any party or attorney submitting evidence to the Court must be familiar with, and is responsible for following the requirements of Florida Rules of Judicial Administration 2.420 and 2.425, as well as Administrative Order 2021-021 PA/PI-CIR. Nothing in these guidelines should be interpreted contrary to any rule or administrative order.
- Any evidence or exhibit that a party wishes the Court to consider at an in person hearing should be brought to court with the party on the day of the hearing. The Court will not accept in advance any evidence or exhibit prior to the in person hearing.
- Any evidence or exhibit that a party wishes the Court to consider at a remote hearing must be marked and submitted to the Court a minimum of two business days prior to the hearing at which the evidence is anticipated to be submitted.
- It is suggested that evidence/proposed exhibit submissions be made more than two business days before a remote hearing.
- Evidence/proposed exhibits for a remote hearing must be delivered to the Court during business hours listed in the first section and should not be delivered during the lunch hour. No one will be available to accept items outside of the above-referenced hours. Exhibits delivered to the Court outside of the published business hours may be misplaced, will be the responsibility of the party delivering them, and may be unavailable to the Court at the time of the hearing. Parties should call ahead before delivering exhibits to confirm the judicial assistant's availability.
- Failure to abide by the advanced submission of exhibits may result in exhibits being unavailable for the Court during a remote hearing. The Court's requirement for advanced submission of evidence/exhibits is a preference intended to ensure the Court's access to a party's proposed exhibits during a hearing. This practice preference is not an exclusionary rule, and absent an order from the Court regarding the submission of exhibits is not a valid basis for an objection by a party to the submission of exhibits at a hearing.
- Any evidence or exhibits delivered to the Court less than two business days before the remote hearing may be unavailable for submission at the remote hearing.
- Arrangements may be made with the Court in advance of a remote hearing for the submission and publishing of digital media exhibits, i.e. photographs, video records, etc.
- It is the responsibility of the parties or their counsel to ensure that all exhibits have sensitive information redacted in accordance with Florida Rules of Judicial Administration 2.420 and 2.425. If items are filed directly with the Clerk of Court, any such items are accompanied by a notice of confidential information, if appropriate.
- A copy of any evidence or exhibit that a party wishes the Court to consider for any non-emergency hearing, either in person or by remote, must be provided to the opposing party no later than five business days prior to the hearing.

- Nothing in these guidelines should be interpreted to alter any party's statutory or procedural responsibilities or notice requirements.
- Case law that a party intends to rely upon should be provided to the Court sufficiently in advance of any hearing to give the Court an opportunity to review it. A courtesy copy should be provided to the opposing party.
- If a Pre-trial Order was issued in a case, the parties must abide by the requirements in the Pre-trial Order regarding evidence, exhibits, and case law.

### **Motions for Rehearing, Reconsideration, and New Trials**

- Any such motion must be filed with the Clerk of the Court, and a courtesy copy sent to the Court.
- The Court may not review any such motion until notified by the moving party. Such motions will not be set for hearing without first being reviewed by the Court.
- If the Court finds that a hearing is required, the judicial assistant will contact the moving party to schedule the hearing. The moving party will be required to follow the requirements for scheduling a hearing contained in these practice preferences.
- If no hearing is required, the Court will rule upon any such motion in chambers.

### **Submitting Proposed Orders**

Proposed orders should be uploaded to JAWS for the Court's electronic signature. You must also upload an explanatory cover letter (see #4 below). All documents are to be uploaded as PDF documents. The instructions for uploading order are as follows:

1. JAWS submissions of proposed orders to the Court should consist of two uploads:
  - a. The order or judgment to be reviewed and with all exhibits attached.
  - b. Everything else goes in the other upload location – 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.
2. It should never be necessary to make a duplicate JAWS upload. These create many problems. **If there is a problem with uploading, contact the JAWS Help Desk, 727-453-4357.**
3. Do not submit proposed orders through JAWS in advance of a scheduled hearing unless specifically requested to do so by the Judge.
4. Cover letter requirements:

- a. **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 or their counsel and that they have no objection to its form, or that they have failed to respond in a reasonable time with any specific objections. If there is an objection, submit the order via mail with the explanatory cover letter.**
- b. **If your order is based on the Judge's ruling at a hearing, state that fact, including the date of the hearing, the title of the motion, and the date it was docketed, and **whether the opposing attorney/self-represented litigant agrees to the form of the order.****

**Electronically conformed copies will only be provided to the email addressed that have been associated to the case in JAWS. It is the responsibility of the party uploading a proposed order to confirm all email addresses have been added to JAWS, including any self-represented litigants. The judicial assistant and the Clerk of Court DO NOT maintain the associated party database.**

If an attorney/self-represented litigant does not have the ability to upload proposed orders to JAWS, proposed orders may be submitted via U.S. mail with a cover letter, sufficient copies for conforming, and self-addressed, stamped envelopes.

**5, The first paragraph of proposed orders must indicate the date of the hearing, the title of the motion upon which the hearing was held, the date of the filing of the motion, and who was present at the hearing. If a party failed to appear at the hearing, please state the date the Notice of Hearing was mailed or emailed, as well the address to which the Notice of Hearing was sent, and when the halls were sounded.**

**Proposed orders should have numbered pages and the case number on each page. Proposed orders should not have the "Done and Ordered" paragraph and Judge's signature on a separate page. Some substantive part of the body of the Order must be included on the signature page**

**The Court will not sign any proposed orders containing blanks.**

The Court **will not** hold ANY documents or proposed order awaiting objection from another party.

**6. Proposed orders should only be submitted via email ([dburris@jud6.org](mailto:dburris@jud6.org)) and only filed in JAWS if all counsel agree to the stipulated order.**

7. **Proposed orders should be uploaded to JAWS within five days from the date of the hearing, unless otherwise specified by the Court. All orders must be received by the Court within 30 days.**

8. All motions to review detention status must be in writing and filed at least three days prior to the hearing, with notice to all parties.

9. Motions seeking a competency evaluation must be filed in writing. If granted, a status check on competency order will be set approximately two weeks after the granting of the motion.

10. Do not send unsigned proposed orders to the Clerk of Court. All proposed orders must be submitted for the Judge's signature by being uploaded to JAWS, or by an alternative method as set forth above.

11. If there are objections regarding the content and form of an order or judgment, each party must promptly submit a proposed order with an explanatory letter to [dburris@jud6.org](mailto:dburris@jud6.org). The submitted order should be sent in Word format.

### **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 of counsel with 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 as long as written consent by the client is provided, as well as the opposing party's non-objection, **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, email 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.