Judicial Practices and Procedures
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Judge Elizabeth H. Zuroweste
Paula Meadors, Judicial Assistant

Contact Information
Mailing Address: 14250 49th Street N., Chamber 18, Clearwater, FL 33762
Telephone: 727-464-6219
E-mail: pmeadors@jud6.org

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A. COMMUNICATION WITH THE JUDICIAL OFFICE

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to sectiong@jud6.org. The subject line must contain the case number, case name, and relevant matter (26-1234MM-G – Doe v. Doe – 1 hour hearing requested)

- **Ex parte Communication:** The Court's Judicial Assistant is not permitted by law to answer legal questions, give advice, or relay any messages or information to the Judge. You may speak to the Judge in Court and only with your attorney (unless pro-se) and the Assistant State Attorney present. Any ex parte communications sent to the Judge will be filed in the Court file.

- **Canon 3:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or

impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- Unsolicited Communications: Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.

- All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact.

- All email communications sent to the Court are subject to public records requests.

B. SCHEDULING PROCEDURES

- **Court Schedule:** Arraignments are scheduled on Monday mornings. Pretrials and motions are scheduled Monday afternoons, Tuesday mornings, Wednesday mornings, and Thursday mornings. Trials are generally scheduled Tuesdays and Thursdays. In-custody cases are generally heard Monday and Wednesday mornings. Violations of probation are generally scheduled Wednesday mornings. Motions in Limine and Trial conferences are scheduled for Friday mornings and substantive motions or non-jury trials are generally scheduled on Friday afternoons.

- **Scheduling Hearings:** Hearings must be requested by e-mail to sectiong@jud6.org.

- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance must list the judicial Zoom credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- **Submission Deadlines:** The Court must receive all materials for the hearing no later than three business days before the hearing.

- **Order of Proceedings**: Parties represented by attorneys will generally be heard first.

- **Continuance Procedure**: A request for continuance must be submitted prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.54(e).

- **Cancelled Hearings:** You must cancel hearings by notifying the judicial assistant immediately. You must also immediately file and serve a notice a cancellation on opposing counsel and any self-represented litigant.

- **Ore tenus motions** are not generally considered unless the motion has been stipulated to by opposing Counsel.

C. REMOTE APPEARNCE

- **Remote Appearance Procedure:** Requests to use communication technology for an appearance must be made by motion in compliance with Florida Rule of General Practice and Judicial Administration 2.530. Effective July 1, 2024, pursuant to Fla. R. Crim. P. 3.116 (c)(1), a request may be made to appear for a non-evidentiary pretrial hearing scheduled for 30 minutes or less and will be granted unless the Court has good cause to deny it. All requests for a remote appearance must be filed in writing no later than 5 business days *prior* the scheduled hearing. All persons appearing on Zoom, including attorneys, must be appropriately dressed for court and behave as if present in court…i.e., no appearances on Zoom while driving, at a doctor's appointment, at a grocery store, at the beach or anything of the like. Further Zoom hearing will not be permitted for anyone violating these guidelines.
- These motions must include a certification that the requesting party has reliable internet access and a quiet location free of distractions and noise for the remote appearance.

- **Platform Used:** The court uses Zoom for remote appearances.

- **Platform Meeting ID#:** Contact the Court's judicial assistant to obtain the platform meeting ID#.

- **Requirements:** Any person appearing remotely must behave and dress in a manner appropriate for court.

D. SUBMISSION OF ORDERS AND JUDGMENTS

- **Format:** All proposed orders must be submitted in PDF and/or Word format. All proposed orders must be accompanied by a cover letter (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.

- **Submission Method:** e-mail to sectiong@jud6.org

- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing.

E. COURTESY COPIES OF CASE LAW AND OTHER DOCUMENTS

- When Required: Courtesy copies of case law or other specified documents must be submitted to the Court for any evidentiary proceeding **(3) business days prior to the hearing.** Case law may be delivered to Judicial reception with a call to the judicial assistant, hand delivered in Court, or emailed to sectiong@jud6.org.

- Format: PDF or Word document

- Submission Method: e-mail to sectiong@jud6.org

- Deadline for Submissions: Courtesy copies must be delivered to the court no later than two business days before any evidentiary proceeding.

F. EMERGENCY AND OTHER URGENT MATTERS

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.

- **Scheduling:** If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

G. EXHIBITS FOR EVIDENTIARY PROCEEDINGS

- **Submission Method**: Hand-deliver all exhibits to the clerk of the court.

- **Format:** Exhibits must be submitted to the clerk of court in paper format. Any videos must be submitted to the clerk on a CD or DVD. USB drives will not be accepted. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the court, and each party to review during the hearing or trial. Exhibits must be labeled in the following format: "State 1" or "Defense 1."

- **Deadline for Submissions**: All exhibits must be available at the time of the hearing or trial.

H. PRETRIAL CONFERENCES AND PROCEDURES

- **Defendant's presence:** The Defendant's presence at a pretrial conference may be waived pursuant to Fla. R. Crim. 3.180. The Defendant must be present if required by the Court, regardless of any previous waiver. The Defendant's presence *should not be waived if speedy trial has not or will not be waived* and the case will be set for trial. The Defendant's presence cannot be waived for violation of probation hearings. (VOP).

- **Plea negotiations:** Plea negotiations may be made between the Defendant and the State in advance of or at the pretrial conference. A Defendant may make offers to the Court but the Court will not engage in plea negotiations unless specifically invited to do so by the Defendant. Any plea offers should be placed on the record. Please do not approach the bench with a plea form on a negotiated plea until the terms of the negotiation have been shared with the Court and the Court has agreed to accept the negotiated plea.

- **Continuances:** Attorneys must file a written motion and order to continue a pretrial conference no later than noon on the Friday of the week prior to any pretrial conference. Motions must fully set forth grounds necessitating the continuance, contain a waiver of speedy trial, and must be with the consent of opposing counsel.

- **Pleas in Absentia:** Prior to Defendant signing a plea in absentia (PIA), the Defense attorney must obtain permission from the Court for Defendant to enter a PIA. The Court must approve all agreements as to the conditions of the PIA made with the State. Unless the Court states otherwise, PIAs shall be provided with a notarized signature and fingerprints. Generally, the Court requires the presence of the Defendant in court for pleas to charges of driving under the influence and/or reckless driving reduced from a DUI.

I. DISCOVERY

- Opposing parties must confer and make a good faith attempt to resolve discovery matters without a hearing.

J. PRETRIAL MOTIONS

- **Filing and scheduling of motions for hearings:** Unless the Florida Rules of Criminal Procedure state otherwise, all motions per Fla. Crim. R. P. 3.190 "shall be in writing and signed by the party making the motion or the attorney for the party."
- A courtesy copy of the motion must be provided to the Court and opposing counsel filed through the E-Portal. Courtesy copies may also be sent via email or in hand delivered in open court.

- **No Off Calendar matters:** the Court, opposing counsel, and the Clerk are not prepared to address cases that have not been previously scheduled on the Court's

calendar. Moreover, off-calendar matters unfairly delay calendared Defendants and their cases.

- The Court recognizes that *periodically* an ore tenus motion may be necessary due to an issue that unexpectantly arises in court. **Proposed orders** should be emailed to the judicial assistant **prior** to the hearing except on motions to suppress or any other larger substantive motions.

- **All small or non-evidentiary motions** (motions to modify conditions of pretrial release, removal of CAM, request to travel, etc.) will be set as soon as practicable. If counsel wants the motion heard with an upcoming pretrial then the motion must be filed, and reflected on Odyssey, at least two (2) days before the pretrial conference with a copy to opposing counsel and the Court. A **proposed order** must be emailed to the Court's judicial assistant before hearing or counsel must bring (3) copies to the hearing.

- **All evidentiary hearings/motions** (motions to suppress, motions to dismiss, Hunter hearings, etc.) must be filed (5) business days prior to the pretrial conference. All motions to dismiss and motions to suppress must be filed and heard before the Court sets a matter on a trial docket. **This Court does not hear motions to suppress on the day of trial or during the trial.**

- **Continuances:** Motions to continue a motion hearing must be made as soon as practicable after an attorney becomes aware of the need for a continuance.

- **Defendant's Presence:** Absent prior to Court approval and good cause, the Defendant must be present for all motion hearings. Cases will be set for a pretrial conference at the same time as evidentiary motion hearings.

- **Change of Plea/Sentencing Hearings:** Hearings for a change of plea should only be set if the attorney has spoken with his/her client in advance and has a good-faith basis to believe that the Defendant wishes to change his/her plea.

K. TRIALS

- **Procedure:** All cases will be set for trial in open court with the Defendant present. Defendant will receive hand notice of trial.

- **Information:** If the State has not filed an Information (usually criminal traffic charges) by the time the case is set for trial or is filing an Amended Information, the Information/Amended Information must be filed by 8:30 a.m. the Wednesday before the motion in limine/trial conference. Ideally, the information/amended information should be filed within seven (7) days of this Court setting the matter for trial.

- **Discovery cut-off:** All **witnesses and evidence (police reports/videos or other tangible evidence)** must be disclosed to both the State and the Defense within seven (7) days of the Court setting the matter for trial. If the State or Defendant inadvertently failed to list a witness or provide evidence within those seven (7) days, the cutt-off date for witness and evidence disclosure is the Monday before the Friday motion in limine/trial conference. The parties risk this Court striking the witness or evidence if listed or provided after the Monday cut-off disclosure date. If the State or Defendant are using edited video recordings then the parties must provide a copy of the video being used at trial by the Monday before the Friday motion in limine/trial conference.

- **Motions in Limine/Trial Conferences:** At the time Court sets a trial, the Court will also set a Motion in Limine/Trial Conference. Said Conference will be scheduled for 10:30 a.m. on the Friday before the trial, unless court is closed. If court is closed then the trial conference will be scheduled two Fridays before the trial. The Defendant's appearance at the motion in limine/trial conference is mandatory unless the Defendant shows good cause and received prior approval by the Court.
  - All motions in limine must be in writing.
  - All motions in limine must be filed and reflected in Odyssey by 8:30 a.m. on the Wednesday before the motion in limine/trial conference with a copy emailed to the Court's judicial assistant and to opposing counsel.
  - Motions in limine not filed by the Wednesday deadline will be waived, but contemporaneous objections may be made at trial.
  - Any motions in limine that will need testimony, must be filed based on the motions to suppress guidelines so the matter can be scheduled for an evidentiary hearing calendar.
  - The Court and counsel will address the jury instructions at the trial conference so only small changes need to be made on trial day.
  - Proposed special jury instructions must be provided, in writing and with supporting case law, to the Court and opposing counsel by 8:30 a.m. on the Wednesday before the trial conference.
  - Any change of plea or negotiated pleas must be made by the trial conference. Any change of plea on the trial date will be an open plea to the court.

- **Motions to Continue:** Motions to continue a trial must be filed in writing as soon as the Defendant or attorney becomes aware of the need for the continuance. A motion to continue a trial will be heard as soon as practicable.

- **Voir Dire:** The Court will initiate voir dire. Attorneys for the State and Defendant will be given a reasonable amount of time to inquire of the venire. The Court may place reasonable time constraints on voir dire, depending on the complexity of the case. **Attorneys will not attempt to taint voir dire.** Generally, cause challenges will be made after voir dire; however, occasionally a venireman will be excused for cause during the voir dire as a result of medical issues or something of the like.

- *When it becomes evident that a venireman will be challenged for cause, please stop asking the person questions.

- **Objections:** No speaking objections should be made at trial. An attorney making an objection should stand and state the legal basis of an objection only. The Court will determine if it is necessary for further discussion or argument at the bench; however, the attorneys may ask to approach if necessary. Attorneys should at all times address arguments and comments to the Court, not to each other.
- **Exhibits:** Attorneys shall have the clerk pre-mark any exhibits to be introduced at trial. Attorneys will show exhibits to opposing counsel before approaching a witness. Attorneys should request permission to approach, the clerk, witnesses, and or the bench.

J. FORMS

- No division specific forms are currently in use.

K. OTHER DIVISION

- ADA Accommodations: If you need an ADA accommodation, please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Suite 300, Clearwater, FL 33756, 727-464-4062 (V/TDD) at least 7 days before your scheduled court appearance.

- Interpreter Requests: If an interpreter is needed for a hearing or trial, please contact Interpreter Services (727)-453-7177. It is the defense attorney or Pro-se defendant's responsibility to make the request for ALL hearings.

L. DISCLAIMER

If any judicial preference set forth herein conflicts with any applicable Florida Rule of Procedure, then the rule of procedure prevails.