BENJAMIN S. THOMAS
Circuit Judge

LISA SCHULTZ
Judicial Assistant

SECTION 12 JUDICIAL PRACTICE PREFERENCES
CIRCUIT FAMILY

Email section12@jud6.org

Address 545 1st Avenue North, Room 217 St. Petersburg, FL 33701

Telephone (727) 582-7793

COURTROOM DECORUM

All attorneys and litigants are expected to be on time for their hearing and ready to address their case. All persons appearing for Zoom hearings shall dress and behave appropriately as if they were physically in Court. All attorneys and persons appearing for Zoom shall not interrupt or speak over other parties or the Judge.

ADMINISTRATION ORDER NO. PA/PI-CIR-2015-052 This A.O. contains the STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT which will be strictly enforced. No speaking objections. All argument shall be directed to the Court. Do not argue after the Court rules.

COMMUNICATION WITH THE COURT

Email section12@jud6.org. **Email is the preferred method to contact section 12.** The subject line should contain the case number, parties' last names, and relevant matter. **Please do not contact the Judicial Assistant and/or Judge using their personal email.**

Telephone (727) 582-7793. Please review these Requirements before contacting the Judicial Assistant.

Inquiries About Cases

Before contacting the Judicial Assistant about the status of a case or pending Order, attorneys, their staff, or self-represented litigants should consult the Clerk's on-line docket: https://www.mypinellasclerk.org

Ex Parte and Unsolicited Communications

The Judge cannot have ex parte (with only one party) communications about the substance of a pending case. Do not send communications about the substance of a case to the Judge as he is not permitted to read it. If such communications are received by the Judge, they will be forwarded to the Clerk of Court for filing without the Judge reading them. Likewise, unsolicited communication from non-parties will not be read by the Court.

IF YOU DO NOT HAVE A LAWYER

The Judicial Assistant is not permitted to answer your legal questions, and is not permitted to explain your situation to the Judge. Your only opportunity to speak to the Judge happens in Court. Although not expected to be as skilled and knowledgeable as lawyers, all "self-represented litigants" (also known as "pro se" litigants) are nevertheless subject to all laws and Rules of Court procedure that apply to a lawyer. Judges, and their Judicial Assistants, are forbidden from giving any advice or help to self-represented litigants. Judges, and their Judicial Assistants, must remain neutral and impartial. **A self-represented litigant is authorized to contact the Judge's office in the same manner as an attorney's office as set forth in these preferences**.

FAMILY LAW FORMS: The Florida Supreme Court has approved numerous forms for use in Family Law proceedings, which may be purchased through the Clerk of the Court, or downloaded at no cost from the State Court website: https://www.flcourts.org/Resources-Services/Court-Improvement/Self-Help-Information In addition, the Sixth Judicial Circuit has a number of Locally Approved Individual Forms, which may be found on the www.jud6.org website under "Representing Yourself in Court".

LEGAL ASSISTANCE/RESOURCES FOR SELF-REPRESENTED LITIGANTS:

1. The Clerk of Court has a Self Help Program for self-represented litigants on the first floor in the courthouse at 545 1st Avenue North, Room 153, St. Petersburg, FL 33701, (727) 464-7000.

2. Gulfcoast Legal Services can be reached at (727) 443-0657 in Clearwater and (727) 821-0726 in St. Petersburg.

3. Bay Area Legal Services is available at (800) 625-2257.

4. Community Law Program in St. Petersburg can be reached at (727) 582-7480.

5. Lawyer referral services can be contacted through the Clearwater Bar Association at (727) 461-4880.

ACCESS AND ACCOMMODATIONS

If you are a person with a disability who needs any accommodation in order to participate in A Court 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 Avenue, Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving a notification of a Court hearing if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

HAGUE CONVENTION CASES

Section 25 is designated to hear all Hague Convention cases filed in the Sixth Judicial Circuit (Pinellas and Pasco Counties). If you have filed a Hague Convention case, AS SOON AS POSSIBLE AFTER FILING, please notify this section by email at section12@jud6.org.

GENERAL INFORMATION

PROOF OF RESIDENCY IN DISSOLUTION ACTIONS: Florida residency may be proven by emailing section12@jud6.org or filing a redacted copy of a parties' valid Florida Driver's License, Florida Identification Card, or Florida Voter Registration Card, by filing an Affidavit of a corroborating third party witness, or by the live testimony of a third party witness who has personal knowledge that one of the parties has been a Florida resident for more than 6 months immediately prior to the date that the action was filed (F.S. §61.052(2)). **If you file a copy of a party's Florida Driver's License, Florida Identification Card, or Voter Registration Card, please ensure that all unnecessary personal information is redacted, including the address, driver's license number, date of birth, and voter identification number**. Proof of Florida residency is not required in Paternity actions.

MEDIATION: Pursuant to local Administrative Order No: 2011-006 PA/PI-CIR all temporary relief and post judgment matters are automatically referred to mediation prior

to a hearing on the matter. Once mediation is scheduled, a hearing may be set on the Court's calendar to occur after the scheduled mediation.

E-PORTAL FILINGS: Documents filed through the e-portal are NOT provided to the Judge's office. If there is a reason that you need to provide a copy of a filing to the Judge, it should be emailed to section12@jud6.org or mailed by regular mail. **Do not send proposed orders through the e-portal (See submitting Proposed Orders below).**

PARENTING CLASS: In all cases involving the initial establishment/determination of Parental Responsibility and Timesharing of minor children, the parties are each required to attend a 4-hour Parenting Class and file a Certificate of Completion of the course with the Clerk of the Court. Pursuant to § 61.21(5), Fla. Stat., all parties are required to complete a Court approved parenting class as expeditiously as possible, and unless excused by the Court the Petitioner must complete the course within 45 days after the filing of the initial petition and the Respondent must complete the course within 45 days of receiving service of process of the initial petition (or 45 days of adjudication of paternity). A Final Judgment will not be entered until both parties have completed an approved parenting course. Individuals are permitted without need of further order, permission, or motion, to attend parenting class online. **A list of Court approved providers for the parenting class may be found at www.jud6.org under "Self Representation." Approved parenting classes may also be found at https://www.myflfamilies.com/services/child-family/child-and-family-well-being/pefs/local-course-list**.

DEPOSITON DISPUTES: If extremely critical, attempt to resolve the issue first, and if that fails, contact the Judge's office and request an immediate telephone hearing. Otherwise, certify question and set a hearing.

DIGITAL RECORDING / COURT REPORTERS: A digital court reporter is *only* provided by the Court for domestic violence hearings and criminal contempt matters. 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 private 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 (subject to possible reallocation by the Court if an appropriate motion seeking same is filed, set for hearing, and ruled upon by the Court). 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."

SCHEDULING HEARINGS

All motions must be filed with the Clerk of Court prior to scheduling a hearing.

Hearings are limited to the time reserved. The parties opposing the motion are entitled to equal time. Accordingly, the party reserving and scheduling the hearing shall confer with opposing counsel and agree to the actual time required to complete the hearing.

DO NOT FILE OR SERVE A NOTICE OF HEARING UNTIL YOU RECEIVE A CONFIRMATION FROM JAWS THAT THE DATE/TIME REQUESTED HAS BEEN SCHEDULED.

All Counsel/Associated Parties. It is the moving party's responsibility to confirm that all counsel/associated parties are in the JAWS data base 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.** Attorneys and self-represented litigants only should be added as Associated Parties. Additional email addresses for email notification may be added for staff under email address, not as an Associated Party.

HEARINGS:
Hearings must be scheduled by emailing the Judicial Assistant at section12@jud6.org for hearing dates and times. Please put the case number, style of the case (parties' last names), and matter to be heard in the subject line.

WHEN CONFIRMING A DATE/TIME, YOU MUST PROVIDE THE FOLLOWING INFORMATION:

- **Case number & style (parties' last names);**
- **Names of attorneys for both Petitioner and Respondent, and which attorney's office you are with; and**
- **Motion(s) to be heard AND the date the Motion(s) were filed**.

When you do not provide this information when confirming a hearing time, it requires another email from the Judicial Assistant referencing the above instructions again and could result in a delayed confirmation of the hearing time and possible unavailability of the hearing time.

DO NOT SEND OUT A NOTICE OF HEARING UNTIL YOU RECEIVE AN EMAIL CONFIRMING THAT THE HEARING DATE/TIME REQUESTED IS STILL AVAILABLE AND IS SCHEDULED.

CROSS NOTICE HEARINGS:
Cross Noticing your motion upon another party's scheduled hearing time is STRICTLY PROHIBITED, unless agreed to in advance by the other party and the Judge or the Judge permits. If you cross notice, your motion will not be heard, unless agreed to in advance by the opposing party and the Court, and if time permits.

CANCELLATION OF HEARINGS:
If a case settles or a scheduled hearing is resolved, **IMMEDIATELY** send an email to section12@jud6.org to cancel any hearings or trials that may have been scheduled.

HEARINGS – CONDUCTED IN-PERSON AND BY ZOOM

All evidentiary hearings, and all non-evidentiary hearings of, will be conducted in-person, unless a Motion is filed in conformity with Rule of General Practice & Judicial Administration 2.530 and an Order is entered granting the Motion.

ZOOM HEARINGS:
If your hearing will be conducted by Zoom, the Judicial Assistant will provide the information necessary to the party scheduling the hearing to include in their Notice of Hearing. The Judicial Assistant will provide the Zoom meeting information upon request by emailing section12@jud6.org. The Notice of Hearing must include the Zoom meeting information including the telephone numbers in case someone needs to appear by telephone for a Zoom hearing.

For Zoom hearings, the Judge will swear in witnesses consistent with Rule 2.530 or a party may have a Notary present with the witness who will swear in the witness. If a witness located outside the State of Florida objects to being sworn in by the Judge over Zoom, then the Judge may not swear in the witness and the party calling the witness must arrange for the witness to be sworn in.

All persons shall dress appropriately for Zoom hearings. **Please ensure in advance that you have an adequate internet or cellular connection so that you may attend your Zoom hearing without connection difficulties**. An Ethernet connection with high-speed internet will provide the best connection for Zoom, a wireless internet connection or a cellular connection may not always provide an adequate or consistent connection for Zoom.

TELEPHONIC HEARINGS:
On rare occasions, it is possible that some hearings may be conducted by telephone. The Judicial Assistant will provide the hearing line number and PIN for telephone hearings upon request emailed to section12@jud6.org. The Notice of Hearing must provide the hearing line telephone number and PIN.

SUBMITTING PROPOSED ORDERS

Proposed orders should be uploaded to JAWS for Judge Thomas' 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 orders 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 signed, 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 as 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 an explanatory cover letter.) and

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 addresses 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 a self-represented litigant does not have the ability to upload proposed orders to JAWS, proposed orders may be submitted via email with a cover letter.

Proposed orders should only be submitted via email (section12@jud6.org) with advance permission or request of the Judge or Judicial Assistant, or unless specifically provided for elsewhere in Judge Thomas' practice preferences.

Proposed orders should be uploaded to JAWS within five (5) days from the date of the hearing, unless specified otherwise by the Judge.

If the parties cannot agree on the form of an Order, each side shall email their proposed order in Word format with a cover letter explaining the specific objections or area of disagreement with respect to the proposed order to section12@jud6.org.

The Court **will not** hold ANY document or proposed Order awaiting objection from another party.

Proposed orders should **NOT** have the "DONE AND ORDERED" and Judge's signature section standing alone on a separate page. Some substantive part of the body of the Order must be included on the signature page.

Judge Benjamin Thomas is located in St. Petersburg, Pinellas County, Florida and is the Judge for Section 25. Please ensure that all proposed orders reflect the same. Proposed orders should not contain blanks for the Judge to fill in. For the date, please put "as reflect in the signature block" instead of including blanks, unless it is nunc pro tunc.

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.

MOTION PRACTICE – GENERALLY

COURTESY COPIES OF NOTICE OF HEARINGS AND OTHER DOCUMENTS – E-filing does not provide a courtesy copy of the Notice of Hearing to the Judge. Courtesy copies of the Notice of Hearing MUST be provided to the Judicial Assistant at section12@jud6.org.

EMERGENCY MOTIONS: When attorneys/self-represented litigants e-file an emergency motion, the documents will be processed by the Clerk of Court. However, the Clerk does not forward it to the Judge's office and accordingly, the Judge and Judicial Assistant are not aware of the filing. It is the responsibility of the attorney/self-represented litigant to email a copy of the emergency motion to the Court at section12@jud6.org or hand deliver a copy for determination of emergency status. If the Judge grants emergency status, a hearing will be set at a date and time determined by

the Court. If the attorney or party is not available at the time set by the Court, the attorney/self-represented litigant shall immediately notify the Judicial Assistant that they are not available by email to section12@jud6.org. The attorney/self-represented litigant who is filing the emergency motion must provide the opposing attorney/self-represented litigant with a copy of the emergency motion, unless a legally sufficient reason for not providing notice to the opposing party exists and is specifically stated in the emergency motion.

If the Judge is unavailable to timely address an emergency motion, the attorney/self-represented litigant should contact the Emergency/Duty Judge regardless of whether or not the Duty Judge is assigned to section 12.

SPECIFIC MOTIONS & HEARINGS

UNCONTESTED FINAL HEARINGS: Prior to scheduling an uncontested Final Hearing, the moving party must insure that the following items have been filed with the Clerk of the Court:

Dissolution of Marriage without children: Financial Affidavit(s) (*if financial relief is being granted by the Court)*; Marital Settlement Agreement; and proof of residency (redacted if necessary).

Dissolution of Marriage with minor children: UCCJEA Affidavit(s); Notices of Social Security Number; Marital Settlement Agreement: Parenting Plan executed by both parties; Certificates of completing Parenting Course by each parent; Financial Affidavit(s); Child Support Guidelines Worksheet(s); and proof of residency (redacted if necessary).

Paternity actions: Normally, final hearings are not required for uncontested paternity cases. However, if you need to set an uncontested final hearing in a paternity case, the following documents must be filed in advance of the hearing: UCCJEA Affidavit(s); Notices of Social Security Number; Parenting Plan executed by both parties; Certificates of completing Parenting Class by each parent; Financial Affidavit(s); Child Support Guideline Worksheet(s).

CASE MANAGEMENT CONFERENCES: An attorney/self-represented litigant may request that a Case Management Conferences be scheduled, or the Court may schedule a Case Management conference on its own, to address matters as set forth in Rule 12.200, Fla. Fam. L. R. P. These Conferences are conducted by Zoom unless a party requests or the Court decides to conduct it in-person. The Court expects all parties to attend Case Management Conferences unless attendance causes significant hardship. Case Management Conferences may be scheduled, without the need to file a motion requesting same. Self-represented litigants and attorneys may request CMC dates by emailing the Judicial Assistant at section12@jud6.org .

SUBSTITUTION OF COUNSEL: A proposed Order for Substitution of Counsel may be uploaded for entry in JAWS, provided there is an accompanying stipulation including the client's WRITTEN consent as required by Rule 2.505(e)(2), Fla. R. Jud. Admin. Proposed orders approving stipulations for substitution of counsel without the written consent of the client in the Court file will be rejected by Judge.

MOTIONS TO WITHDRAWAL OF COUNSEL: A proposed Order Granting Motion to Withdraw may be uploaded for entry on JAWS without need for a hearing, so long as written consent of the client is in the Court file and there is no objection to the withdrawal from the opposing party (or counsel if represented). In order for the Court to be able to enter the proposed order, the Motion to Withdraw must contain (or attach as an exhibit) the written consent of the client, certification of the confirmation of the opposing party's non-objection to the withdrawal, and be in compliance with Rule 2.505(f)(1), Fla. R. Gen. Practice and Jud. Admin. by setting forth the reason for the withdrawal and the client's last known address, telephone number, including area code, and e-mail address. The proposed Order Granting Motion to Withdraw shall not specify any abatement of activity in the case, however it must include the client's full contact information as set forth in the motion – and the uploading attorney must associate the client's e-mail address with the case in JAWS prior to uploading the proposed order for entry.

MOTIONS TO COMPEL: A hearing may only be set AFTER the attorneys/self-represented litigants have conferred on the issues raised in the motion and have attempted to resolve those issues.

MOTIONS FOR TEMPORARY RELIEF: ALL motions for temporary relief (i.e. custody, visitation, child support, spousal support, attorney's fees, etc.) MUST be mediated prior to a hearing being held. Once mediation is scheduled, the moving party may schedule a hearing for a date following the scheduled mediation. **Hearing time on the Court's calendar on temporary matters will not be reserved until mediation has been scheduled**. Temporary relief hearings should not normally exceed one (1) hour except under extraordinary circumstances. To expedite temporary relief hearings, counsel shall confer in advance to determine if any factual stipulations can be reached, and proffers are strongly encouraged.

MOTIONS FOR RELOCATION: Pursuant to § 61.13001(10), Fla. Stat., the Court affords special accommodation to schedule hearings on relocation requests – both temporary and final – on an expedited basis **provided the moving party has complied with all other requirements for seeking relief, including the requirement to attend mediation prior to the hearing date.** The failure of a party to abide by the strict requirements of 61.13001, as well as the requirements of the local Administrative Orders and the Practice Preferences of this section, shall be deemed a waiver of any specific time requirements required by Statute.

ADOPTIONS / NAME CHANGES: Adoption and Name Changes cases are reviewed by the Court's Staff Attorney prior to any final hearings being scheduled. If you believe your case is ready for final hearing, e-mail Section12@jud6.org with the case name and case

number so that we may verify the case status with the Staff Attorney. You will be notified by the Staff Attorney if additional documentation is needed; or you will be notified by e-mail from the Judicial Assistant that a final hearing can be scheduled. **All final hearings on adoptions MUST have a court reporter present**. The Court does not provide a court reporter for the proceedings. A list of Court approved court reporters can be found on the left side of the www.jud6.org website under "Court Reporting" or through the following link: Court Reporters Approved for Assignment in the Sixth Circuit.

SETTING PRETRIAL CONFERENCES AND TRIALS: A Pre-Trial Conference is required in order to request a Final Hearing by Non-Jury Trial that is expected to last three (3) hours or longer. In most cases, a Case Management Conference is necessary to schedule a Pre-Trial Conference.

Pre-Trial Conferences are scheduled for fifteen (15) to thirty (30) minutes and no motions will be heard at the Pre-Trial Conference without prior approval of the Court. **The parties must attend the Pre-Trial Conference**. It is assumed at the Pre-Trial Conference the case is ready to be tried, there are no pending motions, and all (or virtually all) discovery is completed so the Court may impose discovery deadlines and schedule the Final Hearing. The parties and counsel must have their calendars available at the Pre-Trial Conference.

MOTIONS FOR REHEARING AND RECONSIDERATION: Motions for rehearing will not be set for hearing initially. Please submit a copy of the motion to the Judge's office by emailing it to section12@jud6.org. If the Judge determines that a hearing is not required, he will rule on the motion without a hearing. If the Judge determines that a hearing is necessary, the Judicial Assistant will contact the attorney(s)/self-represented litigant(s) to set a hearing.

TRIAL PREFERENCES

EVIDENCE AT TRIAL: Requirements and deadlines for providing exhibits to the opposing party are governed by Florida law and by the Orders entered in your case. All attorneys/self-represented litigants SHALL CONFER IN ADVANCE of the trial and determine which exhibits they wish to admit into evidence by stipulation. This will decrease the need for foundational testimony at trial, will save time, and will allow the parties and the Court to focus on the disputed issues. **At the start of the trial, the Judge will ask each attorney/self-represented litigant whether they stipulate to the admission of any of the opposing party's exhibits.** If any demonstrative aides will be presented at trial, they should be provided to the opposing attorney/self-represented litigant prior to the day of trial.

REDACTING SENSITIVE INFORMATION FROM EXHIBITS: The party requesting admission of an exhibit into evidence is responsible for ensuring 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.

PROVIDING EXHIHBITS TO THE JUDGE: Exhibits MUST be provided to the Judge in hard copy in a tabbed binder, and with an index listing all exhibits and with a place to indicate whether each exhibit was admitted into evidence. The opposing attorney/self-represented litigant must receive the same exhibits as are provided to the Judge. Parties may use individual exhibit notebooks, or they may use one (1) joint exhibit notebook if they mutually agree to do so.

For all Zoom/remote hearings, all exhibits should be provided to the Judge in advance of the hearing or trial. This is not an exclusionary rule but is to ensure that the Judge receives the exhibits in time for the Zoom/remote hearing. If you do not provide your exhibits in advance of your Zoom/remote hearing or trial, it is possible that the Judge may not have access to your exhibits at the time of your hearing or trial.

ATTORNEYS FEES: The issue of entitlement to attorney's fees and costs may be tried in the main action or at a subsequent hearing. The determination as to the amount of an attorney's fee and costs award may, if ordered, be scheduled for determination at a subsequent hearing. Parties can usually expect an additional referral to mediation post trial regarding attorney's fees and costs.

TECHNOLOGY: Arrange for use of technology PRIOR to the first day of trial. To do so, call the Sixth Circuit's IT Department at (727) 464-5443.