

ST. LUCIE COUNTY FAMILY DIVISION L-Z
2020 COURT PROCEDURES
VICTORIA L. GRIFFIN, CIRCUIT JUDGE
EFFECTIVE JANUARY 2, 2020

1/29/20

Judicial Assistant: Linda Montanaro
E-mail / E-Service Address: SLCJudge8@Circuit19.org
St. Lucie County Courthouse
218 South Second Street
Courtroom 4A
Telephone: 772-462-2761

*Please review and comply with this Circuit's Administrative Order 2015-12
(available at www.circuit19.org)*

COMMUNICATION WITH THIS OFFICE

Ex-Parte Communication:

Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge, as this is prohibited ex-parte communication. The Court's staff is not permitted to relay ex-parte information to the Judge. All communication with the Court shall be in open Court with all parties present, in writing or by e-mail copied to opposing counsel/party, and/or filed with the Clerk. No party or attorney shall otherwise communicate directly with the Court. *All e-mails must include all parties and the style of the case, or they will be disregarded.*

E-Mail:

The preferred method of communication is via e-mail. E-mails will receive immediate attention. Correspondence and/or emergency motions should be e-mailed to SLCJudge8@Circuit19.org. You must include the opposing counsel or party (if *pro se*) as a copy recipient on all e-mail correspondence and CLEARLY indicate that you have done so in the e-mail.

(PLEASE READ**)**

E-mail sent to this office should contain the following in the subject line:

- Case Short Style Name (Smith v Smith)
- Case Number (short case number is ok-example: 18DR6)
- Purpose of E-mail: examples: Order, Notice of Cancellation of Hearing, Request for hearing for more than 1 hour, etc.
****Very Important**** *If you are requesting an emergency hearing, please clearly indicate in the subject line that it is a Request for an Emergency Hearing.*
- The body of the e-mail must contain a brief description of the purpose of the e-mail. If a potential hearing date and time over one (1) hour is being requested, please include a good faith estimate of time needed for the entire hearing (after consulting with opposing counsel/party/ies), and a

good faith certification that attempts have been made to resolve the matter and the outcome of those attempts.

- Documents submitted to this office by e-mail should be attached as a document with a name that is easily identifiable and searchable, and not attached under a “scanned doc” name. Example of simple name for document: **Smith v. Jones 18DR6 O-Set Hrg.**

Motions may be submitted in .pdf format. **All proposed orders must be submitted in WORD format.** Please submit all documents attached to one (1) e-mail. **Beginning January 2, 2020 .PDF formatted orders will no longer be accepted.**

CASE NUMBERING: You must use the Supreme Court Mandated Case Numbering System, i.e.: 562019DR000006 on all documents.

It is not necessary to send multiple e-mails regarding the same subject matter. This creates confusion and takes up valuable time. A response to your e-mail will be forthcoming at our earliest opportunity.

Telephone:

If you are unable to e-mail the Judicial Assistant, please do not leave more than one (1) voicemail message. Messages are checked once per day and answered in order of priority. Please do not leave a voicemail message and send an e-mail.

Please do not contact the Judicial Assistant to ask if orders have been entered, as this information is available online at the Clerk’s office website at www.stlucieclerk.com.

SCHEDULING / CANCELLING HEARINGS

Uniform Motion Calendar Hearings:

UMC hearings may be scheduled online at https://slccjis.stlucieco.gov/attorney_calendar.

Prior to setting a matter on the Uniform Motion Calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall, in the Notice of Hearing, certify what attempts have been made to resolve the issue without the need for a hearing and the outcome of those attempts.

Hearings on the UMC are limited to ten (10) minutes per case (not per motion) and only **non-evidentiary** motions will be heard on the UMC. Pursuant to Administrative Order 2015-12, Civil Contempt, Temporary Relief, and non-routine evidentiary matters shall not be heard at UMC.

The moving party shall furnish the Judge by e-mail to SLCJudge8@circuit19.org a copy of the motion to be heard and the Notice of Hearing, along with a proposed order in WORD format, at least five (5) business days prior to the scheduled hearing. If the notice, motion and proposed order have not been received by the Judge’s office five (5) working days prior to the hearing, the matter will not be heard. Failure to provide the document(s) will result in the Court striking the hearing.

Copies of all documents, pleadings, or citations filed with the Clerk of Court within three (3) business days of the scheduled hearing which the parties desire the Judge to consider at hearing, **must** be provided by email to the Judge at the time of filing.

After proper notice, failure of any party to appear at the hearing will not prevent a party from proceeding with the matter when the case is called. If the party noticing the matter for hearing chooses to wait for the absent party, the matter may be passed over until the end of the calendar. If the Judge runs out of time on

UMC, any remaining hearings will need to be re-scheduled.

It is the responsibility of the moving party to remove any UMC hearing/hearings from the court calendaring system if the hearing settles or cancels. Attorneys who repeatedly abuse the online calendaring (e.g., not removing hearings from the online calendar) may be denied further privileges of self-scheduling.

Scheduling Hearings –Hearings Less than 1 hour:

ATTORNEYS: All hearings (generally evidentiary in nature) **one hour or less**, may be scheduled online at https://slccjis.stlucieco.gov/attorney_calendar. Prior to setting a matter for hearing, the party or attorney noticing the motion shall attempt to resolve the matter and shall, in the Notice of Hearing, certify what attempts have been made to resolve the issue without the need for hearing.

Hearings for More Than One (1) Hour:

Please contact the Judicial Assistant by email at SLCJudge8@circuit19.org with your request for hearing. Please include in the email, the nature of the hearing, the time requested for all parties to be heard and that attempts to resolve the issue have failed.

Pursuant to Administrative Order 2015-12, unless otherwise determined by the Court, any party who seeks to schedule a trial or hearing on any contested issue, other than contempt, enforcement, injunctions against domestic or repeat violence, or Title IV-D actions, which will take more than one (1) hour, SHALL FIRST PARTICIPATE IN MEDIATION. *See Administrative Order 2015-12 for additional information.*

PRO SE/SELF-REPRESENTED PARTIES: *Petitioners and/or Respondents without an attorney are “pro se.” If both parties are pro se/self-represented, they will be referred to the Pro Se Case Manager.*

All hearings (including post-judgment matters) will be set by the Case Manager assigned to your case. *Pro se* litigants may inquire as to the status of their case only by completing and submitting a Form A. This form is included on our website at www.circuit19.org. Click on Family Court then click on Information and Resources. Select Form A for St. Lucie County, fill it out completely, and click on Send Request. The Judicial Assistant does not track the *pro se* docket. Please do not contact the Judge’s office for *pro se* matters.

POST-JUDGMENT CASES: Please review and comply with this Circuit’s Administrative Order 2013-02. If either or both parties are represented by counsel, any hearing dates and/or questions will be handled by the Magistrate’s Assistant.

Hearings - Generally:

Once a hearing date/time has been confirmed, it is the scheduling party’s responsibility to submit to the Court a .PDF copy of the Motion and Notice of Hearing **at least five (5) business days in advance** of the hearing date, along with a proposed order in WORD format via e-mail to SLCJudge8@circuit19.org. Failure to provide the documents will result in the Court striking the hearing.

You may also send/e-file any case law with the motion which you think may be helpful to the Court, but please make the same information available to the opposing party. Any legal memoranda or briefs for hearings, along with hard copies of significant cited authorities (highlighting the pertinent sections is appreciated by the Court), should be provided to the Court at least five (5) business days prior to the hearing.

All motions must be filed with the Clerk of Court **BEFORE** you contact this office for hearing time or set the motion on the online calendaring system.

UMC dates are *generally* on Tuesdays and Wednesdays at 9:00 a.m. *Pro Se* matters will *generally* be set on Wednesdays, during regularly scheduled *pro se* hearings. All motion hearings will *generally* be conducted on Tuesdays.

Additional motions may not be “piggy-backed” by cross-notice unless counsel first confirms with the party who scheduled the hearing, and/or the Judicial Assistant that sufficient additional time can be reserved to hear them.

Cooperation of Counsel:

Hearings MUST be cleared with opposing counsel and/or *pro se* parties. Good faith cooperation is expected and required from counsel, their support staff, and *pro se* litigants. Should counsel, their staff, or *pro se* litigants fail to respond within three (3) business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be set forth in the Notice of Hearing. After three (3) business days, the requesting party may unilaterally set the hearing. Notice of the hearing must be provided five (5) business days prior to the hearing.

Cancelling Hearings:

If your case (or motion) settles and you cancel a hearing, you must file a Notice of Cancellation and advise the Judicial Assistant by e-mail no later than 12:00 noon, the day before the hearing, with a copy to all parties, so that it may be removed from the Court’s docket. When scheduled hearings are no longer necessary but not timely removed from the Court’s docket, it wastes valuable court time. FILING A NOTICE OF CANCELLATION DOES NOT REMOVE THE HEARING FROM THE COURT’S DOCKET. **It is the responsibility of the moving party to remove any hearing from the court calendaring system if the hearing settles or cancels.** Attorneys who repeatedly abuse the online calendaring (e.g., not removing hearings from the online calendar) may be denied further privileges of self-scheduling.

ORDERS-GENERALLY

Proposed orders shall be submitted **prior** to hearings. The proposed order **should** reflect the date the hearing was held. All **proposed orders** are to be submitted to SLCJudge8@circuit19.org, in **WORD** format. The document should be named in a searchable format, which contains a short style of the case, short case number and short name of order. SAMPLE: Doe v. Doe 16DR3 O-Cont. The proposed order must utilize the Supreme Court Case Numbering System (County Code, Year, Division and Six digit number, i.e.: 562016DR000003). Your order must contain a complete service list, setting forth e-service address, as well as any postal addresses if there is no e-service address. Signed orders will be e-filed and **e-served via the e-portal only**. If a *pro se* party does not have an e-service address on file (and clearly printed in the service list on the order), it is the movant’s responsibility to provide the opposing party with a copy of the signed order.

Orders should stand alone and be separate from any other document. For example, if you have reached an agreement/stipulation, a separate order in WORD format must be provided to the Court with language approving the agreement/stipulation.

FAILURE TO FOLLOW THESE PROCEDURE WILL RESULT IN YOUR DOCUMENTS BEING RETURNED TO YOU

GOOD FAITH CERTIFICATE

All Notices of Hearing must contain a good faith certification such as:

I HEREBY CERTIFY that I have personally contacted opposing counsel/party in an effort to resolve the issue(s); however, the matter cannot be resolved and a hearing is necessary.

The moving party shall be responsible for contacting the opposing party to coordinate the hearing date, time, and amount of time necessary for the hearing. If after three (3) business days you are unable to coordinate a hearing date and time, you may unilaterally schedule the hearing setting forth in your good faith certificate the attempts that were made to coordinate the hearing date and time.

TELEPHONIC APPEARANCE AT FAMILY COURT HEARINGS

Telephonic appearance through CourtCall will be permitted for **non-evidentiary hearings** that are 30 minutes or less. To schedule a CourtCall appearance, call 888-882-6878 or visit www.courtcall.com. Please note there is a charge for using this system. *Please Note:* Participants in Simplified Dissolutions **MUST** appear in person for a Final Hearing. The Petitioner or Counter-Petitioner in a Dissolution of Marriage **MUST** appear in person for a Final Hearing unless they are active military. If active military, the appearance may be made through electronic means pursuant to Florida Statute.

PLEADINGS

All original pleadings must be filed with the Clerk of Court. It is not this office's responsibility to file original pleadings. Online filing is available through the Florida Courts E-Filing Portal (www.myflcourtagency.com).

Temporary Relief Hearings:

Parties **MUST attend mediation** before a Temporary Relief Hearing may be set. If you schedule a Temporary Relief Hearing without first having been to mediation, your motion **will not** be heard and your hearing will be stricken from the Court's docket.

Emergency Motions:

If you have an emergency hearing, you must e-file your emergency motion and submit a copy to the Judicial Assistant by e-mail. The word "EMERGENCY" should appear in the subject line as well as the short style of the case and case number) *e.g. 14DR92 Alias vs Alias EMERGENCY Contempt*. If after review, the Court determines that an emergency exists, the Judicial Assistant will contact you to set the matter on an emergency basis. In light of the short setting, opposing counsel may attend the hearing via CourtCall telephonic appearance if their schedule will not allow them to appear in person. *Please remember that your failure to plan ahead is not an emergency.*

FAMILY MEDIATION

Family mediation involves parties to a divorce, paternity, or similar family matter. Parties having a combined income of up to \$100,000.00 may utilize the 19th Judicial Circuit Mediation Program. The mediators assist parties in identifying issues, solutions, and alternatives, always keeping in mind the best

interests of their children when children are involved. The mediator's objective during the session is to help parties reach a mutually acceptable agreement on disputed issues: parenting arrangements, child support, property/debt division, and other issues. Please see our Mediation Program Tab on the Nineteenth Judicial Circuit website for further information.

Family Mediation Order:

When submitting an order of referral to Family Mediation, your cover letter/email must state the combined income for the parties and that both parties have current financial affidavits of record. Please use the form Order of Referral to Family Mediation.

MOTIONS TO COMPEL

If there is a motion to compel a response to discovery, you may submit a copy of the filed motion to the Court with a proposed order giving the opposing party 10 days from the date of the order to comply. You must comply with Fla.Fam.L.R.P. 12.380. There is no requirement for a hearing on such a motion and the Court will issue an order. Gaspar, Inc. v. Naples Fed. Sav. & Loan Ass'n., 546 So.2d 764 (Fla. 5th DCA 1989).

NOTICE FOR TRIAL

When your case is ready for trial, please submit a Notice for Trial (with a good faith estimate of the anticipated full length of time necessary for the trial after conferring with opposing party/ies) in .PDF format via e-mail to: SLCJudge8@circuit19.org. After the Court's receipt of the Notice for Trial, you will receive an Order Setting Pretrial Conference-Docket Call. After the Pretrial Conference-Docket Call, the Court will issue an order which will contain a trial date and time. Attorney trials will *generally* be held on Thursdays and Fridays; and *pro-se* trials will *generally* be held on Wednesdays, or as set by the Court. *ALL PARTIES and COUNSEL ARE REQUIRED TO BE PHYSICALLY PRESENT AT THE PRETRIAL CONFERENCE-DOCKET CALL.* No motions will be heard at Pretrial Conference-Docket Call.

CONTINUANCES

If a case is set for a Motion, Case Management Conference, Pre-Trial Conference-Docket Call, or Trial and you desire a continuance (for good reason), you must first contact the other party (attorney) and determine if they will stipulate to a continuance. If so, please submit a stipulation for continuance and proposed order in WORD format. If there is no stipulation, file a motion and schedule a hearing on the UMC calendar. Any such motion must be filed as soon as you are aware of the need for a continuance. If an emergency occurs, contact the other party and the Court as soon as possible to resolve such an issue. All motions for continuance must comply with Fla. R. Jud. Admin. 2.545(e). **An email does not constitute a Motion for Continuance.**

POST-JUDGMENT CASES

All Post-Judgment cases **must** be referred to the Magistrate. Once the Order of Referral is signed by the Judge you may object in a timely manner. Should there be an Objection entered, the case then would be heard before the Judge. Should no objection be filed, the case would then remain with the Magistrate and any hearing dates and/or questions would be handled by the Magistrate's Assistant.

DOMESTIC / REPEAT VIOLENCE - INJUNCTION CASES

Please be advised that you **must** contact the Domestic Violence Clerk in person or at (772) 462-6911 to obtain or file a petition -- *or to schedule any and all hearings for motions in domestic violence cases, such as a motion to modify or to dissolve.* **Do not** send any petitions or motions directly to this office. **Do not** contact this office for hearing times on these cases. If a petition is filed, the Clerk will provide it to the Court and the Court will issue an appropriate order. The Court will set the date for the hearing on a petition, if necessary. All hearings will *generally* be on Wednesdays at 9:30 a.m. (occasionally, due to holidays or other conflict, the day and time may change).

WITHDRAWAL OR SUBSTITUTION OF COUNSEL

You must follow the provision of Fla.R.Jud.Ad. 2.505. You must obtain the client's consent in writing which shall be filed with the Court, or a hearing must be held after proper notice to the client.

LEGAL ADVICE

Should you contact this office with any legal questions and/or advice, please be advised we are not at liberty to provide any legal advice but do advise that you contact an attorney of your choosing. Should you have questions about scheduling or any of the office procedures not answered in these procedures, contact the Judicial Assistant by e-mail at: SLCJudge8@circuit19.org.

TRIAL PROCEDURES

Sanctions:

Failure to appear for trial will be grounds for sanctions being imposed, including, but not limited to, attorney fees, costs, striking of pleadings, default, or dismissal.

Interpreters:

If needed, interpreter services must be provided by the party needing such services.

Proposed Orders:

All proposed Parenting Plans, Final Judgments, and Orders, must be e-mailed in WORD format to SLCJudge8@circuit19.org, pursuant to the Court's procedures.

Exhibits:

Prior to the day of trial, all exhibits are to be marked alphabetically for identification by the side seeking to offer the exhibit into evidence. If assistance is needed with evidence labels, counsel may contact the Clerk's office and request an exhibit label template transmitted by email. If the exhibit is admitted into evidence, the Clerk will sequentially number the exhibit in evidence. If the exhibit is not admitted, the Clerk will retain it with only the alphabetical identification. Once exhibits are marked, either for identification or in evidence, and given to the clerk, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the court.

Court Reporters:

In absence of agreement otherwise, the Petitioner (person seeking relief) is required to retain a court reporter for trial. Failure to provide a transcript for an appeal is likely to prevent a successful appeal. Failure to provide a court reporter may be grounds for cancellation of the trial, and may be considered as grounds for sanctions.

CLERKS AND COURT DEPUTIES

Please be respectful of the Clerks and allow them to do their job. The Clerks are not the personal support staff for counsel appearing in the Division. Requests for the Clerk's assistance shall be channeled through the Court. All counsel are expected to come to Court with sufficient copies for all parties, counsel, and the Court. No copies will be made while Court is in session.

The Court's deputies are present for the security of the courtroom and the safety of all participants. Please be respectful of the deputies and allow them to do their job. In emergency situations, counsel shall follow all directives of the deputies in the courtroom and instruct their clients, witnesses, and participants to do the same.

COURTROOM ETIQUETTE AND DECORUM

All parties and attorneys will be expected to conduct themselves in accordance with the Standards of Professional Courtesy outlined in Amended Administrative Order 2015-06.

Everyone will be expected to treat others as they would like to be treated. Disrespectful and discourteous behavior will not be tolerated under any circumstances. There shall be no talking over another. Counsel shall address all arguments to the Court and not opposing counsel. Counsel shall admonish their clients that gestures, facial expressions, or any manifestations of approval or disapproval of anything occurring in the courtroom is prohibited.

Please keep all cell phones and electronic devices on silent or vibrate. Anyone who violates this rule may have their device confiscated until the close of business.

All individuals entering the courtroom shall dress in a manner that shows respect for our Judicial System, including shirts being tucked in, pants being pulled up, no shorts, hats, or sunglasses.

AMENDMENTS TO PROCEDURES

The Court may, from time to time, on its own initiative, amend these procedures without further notice. All counsel/parties are advised to check www.circuit19.org, click on Judge Griffin's page, Family Court Procedures, for updates before undertaking any case in this division to see if any provisions or conditions have been amended or added to this procedural memo.

12-20-19

Revised: 1-7-20, 1-29-20