

MAGISTRATE LILLIAN B. EWEN
ST. LUCIE COUNTY
POST JUDGMENT FAMILY DIVISION L-Z
PROCEDURES

Effective September 9, 2021

Magistrate's Assistant: Brianna Zirger

E-mail/E-Service Address: slcmagistrate2@circuit19.org

St. Lucie County Courthouse

218 South Second Street

Fort Pierce, Florida 34950

Telephone: 772-742-9238

COMMUNICATION WITH THIS OFFICE

E-Mail: The preferred method of communication is via e-mail. E-mails will receive immediate attention. Please e-mail correspondence to slcmagistrate2@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.

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: Schedule Hearing, Notice of Cancellation of Hearing, Request for hearing for more than 1 hour, etc.

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 hour is being requested, please include a good faith estimate of time needed for the entire hearing (after consulting with opposing counsel/party), and a good faith certification that attempts have been made to resolve the matter with 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 recommended orders must be submitted in Word format two business days prior to the hearing.** Please submit all documents attached to one e-mail.

Telephone: If you are unable to e-mail the Magistrate's Assistant, please do not leave more than one voicemail message. Voicemail messages are answered in order of priority. Please do not leave a voicemail message and send an e-mail.

Ex-Parte Communication: Please do not ask the Magistrate's Assistant or other Court personnel to communicate any message to the Magistrate, as this is prohibited ex-parte communication. Court staff is not permitted to relay ex-parte information to the Magistrate. All communication with the Magistrate shall be in open court with all parties present, in writing/e-mail copied to opposing counsel/party, and/or filed with the St. Lucie County Clerk of Court and served on the opposing party/counsel. No party or attorney shall otherwise communicate directly with the Magistrate. All e-mails must include all parties and the style of the case, or they will be disregarded.

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

SCHEDULING OR CANCELLING A HEARING **(ATTORNEYS ONLY)**

All motions must be filed with the St. Lucie County Clerk of Court BEFORE you contact this office for hearing date and time.

When requesting a hearing date, please email the Magistrate's Assistant at slcmagistrate2@circuit19.org. All matters must have an order of referral to the Magistrate from the judge. Hearing dates will be confirmed on a first come, first served basis.

Notices For Hearing: You must file your motion with the St. Lucie County Clerk of Court before setting it for hearing. Hearing dates and times must be cleared with opposing counsel, noting the same on your Notice of Hearing. Submit a copy of your motion and notice of hearing to the Magistrate's Assistant via email at slcmagistrate2@circuit19.org at least five business days prior to the hearing. Failure

to provide the documents will result in the Magistrate striking the hearing. Notices of Hearings MUST contain a good faith certificate (see Good Faith Certificate).

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 Magistrate), should be provided to the Magistrate at least two business days prior to the hearing.

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

Referral to Magistrate: If your motion or supplemental petition does not already have a referral to the Magistrate, you may obtain one by requesting an order of referral from the Magistrate’s Assistant by email at slcmagistrate2@circuit19.org.

Good Faith Certificate: All notices of hearing must contain a certificate of good faith that you have contacted the opposing party and coordinated the hearing date, time, and amount of time necessary for the hearing. If after three business days you are unable to coordinate a hearing date and time, you may unilaterally schedule the hearing date and time setting forth in your good faith certificate the attempts that were made to coordinate the hearing date and time.

Required Language: All notices of hearing must have the following language:

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

Pursuant to Fla. Fam. L. R. P. 12.490(d)(4), the notice of hearing must contain the following language in bold type:

SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 12.490(f), FLA. FAM. L. R. P. YOU WILL BE

REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.

All notices of remote hearing must have the following language:

At the designated hearing time, you will appear through Zoom teleconferencing (without charge) via video by clicking <https://zoom.us/j/3984050002> or phone by calling 1-786-635-1003; Meeting ID: 398 405 0002. You must appear via video to provide testimony. You will be in the virtual “waiting room” until the case is called.

Failure to Appear: 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.

Cancelling a Hearing: If you want to cancel a hearing on your motion or petition, contact the Magistrate's Assistant at slcmagistrate2@circuit19.org. If you want to cancel a hearing on the opposing party's motion or petition, contact the opposing party first to determine whether he/she will agree to the cancellation.

It is the responsibility of the moving party to contact the Magistrate's Assistant at slcmagistrate2@circuit19.org to advise of the cancellation AND file a notice of cancellation in the court file.

PROPOSED RECOMMENDED ORDERS (ATTORNEY CASES ONLY)

Attorneys SHALL submit proposed recommended orders two business days prior to hearings and/or trial to slcmagistrate2@circuit19.org in Word format. The proposed

recommended order should reflect the date the hearing was held. 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. Your proposed recommended 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 recommended orders will be e-filed and e-served via the e-portal only.

*****Failure of the movant to submit a proposed recommended order two business days prior to the hearing/trial will result in the Magistrate striking the hearing*****

PRO SE 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 will be set by the Case Manager assigned to your case. Pro se litigants may inquire as to the status of their case by completing and submitting a [Form A](#) located on www.circuit19.org under the Family Division.

The Magistrate’s Assistant does not track the pro se docket. Please do not contact the Magistrate’s office for pro se matters.

The Magistrate is not permitted to hear any matters that have not been properly raised by any motion or petition pending before the court and that have not been properly noticed for hearing.

Service: All motions or other pleadings filed in your case must be provided to the other party or their attorney at the time of filing. Proof of service (via a properly completed certificate of service, such as the one included on the [Florida Supreme Court Family Law Forms](#)) must be completed to verify service of a copy of the item being filed to the other party, the date served, how served (U.S. Mail, e-mail, etc.) and the address where the item was sent/served. If service is required by process server or Sheriff’s Office, the return of service affidavit must be filed in the court file with the St. Lucie County Clerk of Court. Failure to properly certify service in the court file may result in the rescheduling of your hearing or dismissal of your motion.

Legal Advice: Should you contact this office with any legal questions and/or advice, please be advised that we are not at liberty to provide any legal advice but do advise that you contact an attorney of your choosing.

INTERPRETING SERVICES

If you are in need of translation services, it is your responsibility to bring a state certified interpreter to your court hearing. A list of state certified interpreters can be found on the Find an Interpreter page of the Florida Courts website, located [here](#).

OTHER HELPFUL LINKS

- [Florida Courts E-Filing Portal](#)
- [19th Judicial Circuit Family Division](#)
- [Florida's Family Court](#)
- [Administrative Order 2015-12 Unified Family Court](#)