

JUDGE SHERWOOD BAUER
FAMILY COURT PROCEDURES

AMENDED 12/21/2023

1. Scheduling of all hearings – UMC/Special Set Hearings:

**DO NOT USE THE ONLINE CALENDAR SYSTEM TO SCHEDULE ANY
MOTION HEARING TIME.**

ATTORNEYS:

All (including UMC motions) hearings must be scheduled by contacting Judicial Assistant (Emily) by e-mail at Bauerja@circuit19.org Hearing time must be cleared with opposing counsel/party and a certificate that the date and time was coordinated with the opposing counsel/party must be clearly reflected on your Notice of Hearing. The hearing dates are labelled as “Motions” on my calendar also found on the website, however the Judicial Assistant will provide you with available dates and times. After the motion has been filed with the clerk of court, you may obtain *possible* hearing dates and times by contacting my Judicial Assistant (or by use of the “Form A” for Pro-Se cases – see below under “Pro-Se” which is reviewed by the Case Manager). If an e-mail contact is impossible the office number is: 772-288-5585.

Please do not include the Judicial Assistant on the back and forth emails between the attorneys/parties, as we get enough emails and do not need to review your exchange. When you agree on a date/time – then notify the Judicial Assistant.

ATTORNEYS: YOU MUST provide via e-mail (1) a copy of the motion, (2) any proposed Orders (in **Word Format**), and (3) the Notice of Hearing to Bauerja@circuit19.org within 5 (five) working days of obtaining the possible date/time – failure to do so may result in the Court striking that possible date/time and providing that time to another. Please provide all e-mail addresses, if available, so that any Orders/Final Judgments can be provided to all parties. Should you not have an e-mail address please provide self-addressed stamped envelopes to the Court the day of your hearing. All motions must have been filed with the Clerk of Court **BEFORE** you contact this office for hearing time.

You may also send/efile any case law with the motion which you think may be helpful to the Court. I have no opposition to you highlighting the relevant portions of any text. Please copy to the opposing party. Memorandum is also appreciated, if in brief form and it must be provided at least 5 days before the hearing.

PRO-SE:

PRO-SE/SELF REPRESENTED: All (including UMC) hearings must be scheduled by going to the 19th Judicial Circuit website, www.circuit19.org, and click onto “Programs & Services” button, then “General Public” button, and finally, the “Form A-Family Case Inquiry” link. Complete the form and click “Send.” When both sides are Pro-Se, the matter will be set on the regularly scheduled Pro-Se hearing dates.

UMC:

UMC dates are on the calendar at 9:00 a.m. Please note all UMC Hearings are 10 minutes or less and are non-evidentiary in nature. Please ensure that the UMC motions are non-evidentiary and that they can be completed in less than 10 minutes.

2. Uncontested Final Hearings:

There are specific dates/times set for the hearing of any uncontested Final Hearings. They should be scheduled as with any other hearing. Please provide a copy of the agreement (including child support worksheet-if applicable), a copy of one of the party's driver's license/State ID, and an agreed upon final judgment. Also, bring a final disposition form, so the clerk closes the case.

You may file affidavits (form available on this website) from the parties waiving a final hearing, if there is a complete agreement for the resolution of the dissolution of marriage. Please provide the affidavits, copy of the agreement(s), and proposed Final Judgment (in Word Format) via email to the Court. If all in in correct form, a Final Judgment will be issued and efiled. Also, file a final disposition form after receiving the Final Judgment.

3. Discovery / Motions to Compel:

Discovery should not ever be an issue, yet somehow it is.

If there is a motion to compel a response to discovery or other request, you may submit a copy (as the original would have to have been filed with the clerk) of said motion to the Court with a proposed order (in Word Format) You must comply with 12.380 Fla.Fam.L.R.P. There is no requirement for a hearing on such a motion and the Court will often issue an order without a hearing being held. Gaspar, Inc. v. Naples Fed. Sav. & Loan Ass'n., 546 So.2d 764 (Fla 5th 1989)

4. Filing of Pleadings:

Please note, all original pleadings must be filed with the Clerk of Court. It is not this office's responsibility to file original pleadings. The Court will only file the orders of the Court with the Clerk of Court, and possibly documents received by the Court relating to a case, but that requires no action. For any hearing set it is your responsibility to file a notice of hearing with a copy to the judge's office.

5. Notice for Trial:

When your case is ready for trial, please provide the judge's office with a Notice for Trial (with the anticipated full length of time necessary for the trial) and then your case will be scheduled on the next available Case Management date. If you are self-represented and wish to inquire about your case status or are looking to schedule a hearing, you may complete a Form A or B (as applicable) at www.circuit19.org.

6. Docket Call/CMC; Trial setting; and Continuances:

If a case is set for a Docket Call/Case Management Conference and you desire and have an agreement to set a trial date without CMC, please feel free to contact Emily and we will give you available dates. If

agreed to, and order setting the trial will be issued. If you desire a continuance (for motion hearing, CMC, or any set cause), you must first contact the other party (attorney) and determine if they will stipulate to a continuance. If so, please submit a stipulated motion for continuance and proposed order. If stipulated, the Court will almost always agree. If there is no stipulation, file the motion and contact the Court for a hearing date and time, just as with any other motion. 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.

7. Zoom Attendance at Family Court Hearings:

Zoom attendance at Family Court Hearings may or may not be permitted by **first** requesting via email or motion / obtaining permission at least 48 hours before the hearing, from the Court, by request to chambers at Bauerja@circuit19.org Do not assume that you may appear by Zoom. While many have gotten used to appearing remotely in the last few years, there is a benefit, in the interest of justice, to in person contact in the resolution of Family Court matters. These matters are frequently based on personal relationships which can often only be resolved with actual face to face contact and an actual commitment to the resolution of the matter. Exceptions will be made, if justified. In person will be the norm, as the Court finds good cause for the reasons stated herein.

8. Dissolution of Marriage Cases:

If a notice of being ready for trial is filed in a dissolution of marriage case, the matter will be set for a CMC/Docket Call. Once the case is set on a trial date the **parties are required to file certain documents for the Court.** These requirements and forms are found on this website and are as follows:

(1) At least 7 days before the trial date the parties shall file a **Joint Pre-Trial Statement** (unless they cannot agree to anything, in which each party shall file a unilateral Pre-Trial Statement). **AND (2)** At least 7 days before the trial date each party shall file a **Pre-Trial Statement – Dissolution of Marriage (in anticipation of final hearing).**

***Once a trial is set, these requirements and any Pre-Trial Order issued if not specifically complied with, will result in the Court striking the trial and other sanctions.**

***Pre-Trial Statements are almost never done correctly. Therefore, in addition to the Pre-Trial Order which is issued in your case, the website contains a very specific list of what must be included in the Pre-Trial Statements. All future Pre-Trial Orders and the list on the website will be consistent. Many Pre-Trial Orders have been already issued in the pending cases. A new Order will not be issued in those cases, however all newly issued Pre-Trial Orders will reflect the changes which are consistent with the list on the website. If you are reviewing the existing Pre-Trial Order in preparation of your case and it conflicts in any way with the website list, you shall always follow the order. As noted above, the newly issued orders will be consistent.**

9. Other Types of Cases:

If a notice of being ready for trial is filed the matter will be set for a CMC/Docket Call. Once the case is set on a trial date the **parties are required to file the following for the Court.** The requirement for the Joint Pre-Trial Statement are found on this website and is as follows:

(1) At least 7 days before the trial date the parties shall file a **Joint Pre-Trial Statement** (unless they cannot agree to anything, in which each party shall file a unilateral Pre-Trial Statement).

***Once a trial is set, these requirements and any pre-trial order issued if not specifically complied with, will result in the Court striking the trial and other sanctions.**

10. Post Judgment Cases:

All Post Judgment cases must be referred to the Magistrate. Once there is an Order of Referral 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, it would then remain with the Magistrate and any hearing dates and/or questions would be handled by the Magistrate's assistant. The Magistrates are excellent and objections should be rare.

11. Domestic/Repeat Violence Cases:

Please be advised that you **must** contact the domestic violence deputy clerk of court in person 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. **Please do not wait until the end of the day to file petition.** 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.

12. 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.

13. Family Mediation Order:

When submitting an order of referral to Family Mediation, your cover letter 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](#).

14. Temporary Relief Motions:

If you file a motion for Temporary Relief, if there are any financial issues, the parties shall each have filed a financial affidavit prior to the matter being set for hearing. Additionally, the parties shall attempt resolution of the matter prior to seeking a hearing time. If the issue is not urgent in nature, the parties are strongly urged to attend mediation before setting the hearing. The standing order now issued in each case

does not have an expiration date while the case is pending. If there is a failure to comply with that order, please see #15 below.

15. Contempt/Enforcement:

If a motion for Contempt or Enforcement is filed, for a failure of the other party not following an existing Court Order, it should be sworn to – with the appropriate oath affirming that the information contained in the motion is true and accurate – which permits the Court to, if it chooses, to issue a Rule to Show Cause why the person should not be held in Indirect Criminal Contempt of Court. It also permits the Court to take action against the movant if the facts sworn to are proven to be false. Additionally, a false affidavit is perjury and a crime. The purpose for this potential action of Indirect Criminal Contempt is to ensure that a Court Order is followed. A Court Order, if not followed, is a very serious matter and this Court believes that a wilful failure to obey a Court Order is potentially criminally contemptuous. Likewise, if a false claim is made (as proven by the evidence at the hearing) in a sworn motion, that is equally, and potentially more, serious. Attorneys should caution their client that only accurate and true information should be presented to the Court. *All motions for non-compliance with a Court Order shall be sworn to.*

16. 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 please feel free to contact my assistant, Emily, by e-mail Bauerja@circuit19.org

17. E-Mail:

You may e-mail correspondence or copies of any pleading, notice of hearing, or proposed order (in Word only) to Bauerja@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.

18. ALSO: Please review this Circuit's Administrative Order 2015-12.

NOTES:

12/21/23

After a year in this division, it seems that things are moving relatively smoothly (it is after all family law) – Of course there are an overabundance of trials and it pains me to be setting already in July of next year, but hopefully resolution of some matters may shorten that time as we all proceed. If you do have any procedural suggestions, please feel free to advise me.

Understand also, that there are requirements contained in these procedures, most specifically pre-trial statements to be filed. If a pre-trial order is not complied with, the trial will be stricken. I do have at least one, if not two, cases set for back up on each trial date. There will be a trial, it just won't be yours if the pre-trial orders are not complied with.

I am also very reliant on a schedule. So, if an hour or a ½ day or a day is set for a hearing or trial, that is the time you will be given. No more. You will have my full attention during that time. But at the conclusion of the allotted time, the matter will be concluded. Ask for the time you think you need. I will give that time, if I can, or adjust it to an otherwise reasonable time and that will be the time permitted. My suggestion is to get to the point as efficiently as you can and provide me the information which might actually make it into an order or Judgment. There are 6 Courtroom hours in a day (9-12 and 1:30-4:30).

When a motion is filed, you must provide a copy to my office – often, if legally permitted, I will rule without hearing. I tend to review material provided to me quickly, and you may get an answer more quickly than you planned. Filing with the clerk does not mean I get it.

Orders will be prompt and if you do not receive an order from the Court within 10 days of the hearing or trial, you should feel free to contact my office by email and inquire as to the status. You are entitled to a prompt decision. My office strives to answer all emails and issue all orders on the very day they are received or the order can be issued. However, it is always possible that errors occur, and something is inadvertently mis-handled. If there is not a prompt response, please feel free to politely remind us.

Also, check back periodically for any potential changes in these procedures.

SB