

MARTIN COUNTY FAMILY DIVISION
2021 COURT PROCEDURES
BRETT M. WARONICKI, CIRCUIT JUDGE
EFFECTIVE JANUARY 4, 2021
(updated 10/7/2021)

Judicial Assistant: Tiffany Wile
E-mail / E-Service Address: WileT@Circuit19.org
Martin County Courthouse
100 S.E. Ocean Boulevard, Suite A364
Stuart, Florida 34994
Courtroom: A1-5
Telephone: 772-288-5570

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

COMMUNICATION AND SUBMISSIONS TO 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 *ex-parte* communication. All communication with the Court shall be in open Court with all parties present, in writing or by email copied to opposing counsel/party, and/or filed with the Clerk.

Email:

The preferred method of communication is via email as emails will receive the quickest attention. Correspondence and/or emergency motions should be emailed to WileT@circuit19.org. You must carbon copy the opposing counsel or party (if *pro se*) on all email correspondence.

Email sent to this office must contain the following in the subject line:

- Case Short Style Name (Jones v. Jones)
- Case Number (short case number is okay – example: 21DR234)
- Purpose of Email (Order, Notice of Cancellation of Hearing, Request for Hearing more than one hour, etc.)
- **If you are requesting an Emergency Hearing, you MUST indicate in the subject line “Request for EMERGENCY Hearing”**

The body of the email must contain a brief description of the purpose of the email. If a hearing date and time over one (1) hour is requested, then you must include a good faith estimate of time needed for the time for the entire hearing (after consultation with opposing counsel/party).

Submissions:

Documents submitted to this office by email should be attached as a document with a name that is easily identifiable and searchable. As an example: Jones v. Jones, 21DR234 O-Set Hrg. Motions must be submitted in .pdf format. **All proposed orders must be submitted in WORD format.** Please submit all documents attached to one (1) email.

Telephone:

Please only leave one (1) voicemail message for the Judicial Assistant if you are unable to reach her. Please do not leave a voicemail message and send an email.

PRO SE/SELF-REPRESENTED PARTIES

Petitioners and/or Respondents without an attorney are “pro se.” *If both parties are unrepresented, 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 Martin 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 Administrative Order 2015-12. All Post-Judgment cases must be referred to the Magistrate unless there is a timely objection. Please provide a proposed Order of Referral to Magistrate via email along with a copy of the Motion and/or Petition. Barring any objection, any hearing dates and/or questions will be handled by the Magistrate’s Assistant. For your convenience, an Order of Referral can be found on our website.

UNIFORM MOTION CALENDAR (“UMC”) PROCEDURES

1. **Date and Time:** UMC hearings will be held on each Tuesday and Wednesday from 9:00 a.m. to 10:00 a.m. unless otherwise noted on the Court’s calendar.
2. **Non-Evidentiary Except for Uncontested Final Hearings:** These hearings are non-evidentiary (no witnesses) except for uncontested final hearings. **Adoption hearings may not be set using the online calendar.** See below for further instruction.

3. **Length of Hearing and “Piggy-Backing” Motions:** The hearings will not be permitted to exceed ten (10) minutes in length. This means that each side will have five (5) minutes to argue their position. Hearings are limited to ten (10) minutes per case (not per motion). Additional motions may not be “piggy-backed” by cross-notice without permission from the Judicial Assistant.
4. **Motion, Notice, and Proposed Order:** The motion and notice of hearing must be e-filed with the Clerk **within five (5) days** of scheduling the hearing with a copy in .pdf format provided to the opposing party/attorney **and a copy to the Judicial Assistant by email** at WileT@Circuit19.org. **A copy of the proposed order or final judgment MUST also be emailed to the Judicial Assistant within five (5) days of scheduling the hearing. All proposed orders must be submitted in WORD format. Failure to timely provide the notice, motion, and proposed order will result in the matter being stricken from the UMC.**
5. **Good Faith Attempt to Resolve Dispute and Certification:** Counsel and pro se parties must in good faith attempt to resolve their dispute by telephone or in person (not email). All Notices of Hearing must contain a good faith certification in substantial compliance with the following:

I HEREBY CERTIFY that I have personally spoken with opposing counsel/party by telephone or in person to resolve the issue(s) presented in the motion; however, the matter cannot be resolved, and a hearing is necessary.

If you were unsuccessful in your attempts to contact opposing counsel/party, please specify what attempts were made to resolve the dispute.

Failure to include this certification will result in the matter being stricken from the UMC.

6. **Coordinating Hearings and Unilaterally Setting Hearings:** The moving party is responsible for contacting the opposing party to coordinate the hearing date. If after three (3) business days you are unable to coordinate the hearing date, you may unilaterally schedule the hearing setting forth in your good faith certificate the attempts that were made to coordinate the hearing.
7. **Case Law:** Parties may email any case law with the motion which they think may be helpful to the Court. Copies must be furnished to the opposing party. Any legal memoranda or briefs, along with hard copies of significant cited authorities (highlighting the pertinent sections), would be appreciated and should be provided to the Court at least five (5) business days prior to the hearing. Remember, this is a UMC hearing. If a brief or lengthy memo is necessary then your hearing should probably be specially set.
8. **Scheduling UMC Hearings:** Attorneys may schedule UMC hearings using the online scheduling program at https://slccjis.stlucieco.gov/attorney_calendar.

9. **Cancelling Hearings:** If you cancel your hearing, you must file a Notice of Cancellation and advise the Judicial Assistant by email no later than noon, the day before the hearing, with a copy to all parties, so that it may be removed from the Court's docket. **It is the responsibility of the moving party to remove any hearing from the Court's calendaring system.** Simply filing a Notice of Cancellation does not remove the hearing from the Court's docket. Attorneys who repeatedly abuse the online calendaring by not removing hearings from the online calendar may be denied the privilege of self-scheduling.

SPECIAL SET HEARINGS

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

Prior to setting a matter for hearing, the party or attorney noticing the motion shall in good faith attempt to resolve their dispute by telephone or in person (not email). All Notices of Hearing must contain a good faith certification in substantial compliance with the following:

I HEREBY CERTIFY that I have personally spoken with opposing counsel/party by telephone or in person to resolve the issue(s) presented in the motion; however, the matter cannot be resolved, and a hearing is necessary.

If you were unsuccessful in your attempts to contact opposing counsel/party, please specify what attempts were made to resolve the dispute.

Failure to include this certification will result in the hearing being stricken.

Motion and Notice of Hearing: The motion and notice of hearing must be e-filed with the Clerk **within five (5) days** of scheduling the hearing with a copy in .pdf format provided to the opposing party/attorney **and a copy to the Judicial Assistant by email** at WileT@Circuit19.org. **Failure to timely provide the Notice of Hearing and Motion will result in the matter being stricken from the docket.** Proposed Orders are not required in advance of special set hearings. They shall be submitted at the time agreed upon at the conclusion of the hearing.

Hearings for Less than One (1) Hour:

All hearings of **one (1) hour or less** may be scheduled online at https://slccjis.stlucieco.gov/attorney_calendar.

Hearings for More than One (1) Hour:

Please contact the Judicial Assistant by email at WileT@Circuit.19.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. A copy of the motion **MUST** be attached.

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**. Please see Administrative Order 2015-12 for additional information.

Coordinating Hearings and Unilaterally Setting Hearings:

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

Cancelling Hearings:

If you cancel your hearing, you must file a Notice of Cancellation and advise the Judicial Assistant by email no later than noon, the day before the hearing, with a copy to all parties, so that it may be removed from the Court's docket. **It is the responsibility of the moving party to remove any hearing from the Court's calendaring system.** Simply filing a Notice of Cancellation does not remove the hearing from the Court's docket. Attorneys who repeatedly abuse the online calendaring by not removing hearings from the online calendar may be denied the privilege of self-scheduling.

TEMPORARY RELIEF HEARINGS AND EMERGENCY MOTIONS

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.

Further, if one party is in need of temporary relief and cannot afford to pay for mediation prior to scheduling the hearing, the matter may be set for a hearing (30 minutes or less) for the Court to determine payment of mediation fees.

Emergency Motions:

If you have an emergency hearing, you must e-file your emergency motion and submit a copy to the Judicial Assistant by email. The word "EMERGENCY" must appear in the subject line as well as the short style of the case and case number (e.g. 21DR234 Jones v. Jones 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.

PROPOSED ORDERS

1. Proposed orders shall be submitted to the Court via email to WileT@Circuit19.org.
2. The proposed order shall reflect the date that the hearing will be held. As an example, if the hearing will be held on March 1, 2021, the proposed order should state something to the effect of: “THIS CAUSE came on to be heard on March 1, 2021 on Petitioner’s Motion to”
3. The proposed order shall be submitted in WORD format.
4. The proposed order shall utilize the Supreme Court Case Numbering System (County Code, Year, Division, and Six Digit Number, i.e.: 432021DR000006).
5. The proposed order shall contain a complete service list setting forth e-service address, as well as any postal addresses if there is no e-service address.
6. Signed orders will be e-filed and e-served through the e-portal. If a pro se party does not have an e-service address on file, it is the movant’s responsibility to provide the opposing party with a copy of the signed order.
7. Proposed orders should be submitted separately 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.

NOTICE FOR TRIAL; CASE MANAGEMENT CONFERENCE/ DOCKET CALL

When your case is ready for trial, please submit a Notice for Trial in .pdf format to WileT@circuit19.org. The Notice for Trial shall contain a good faith estimate of the anticipated full length of time necessary for the trial after conferring with opposing counsel/party.

Pursuant to Florida Family Law Rule 12.200, either upon the Court’s own motion or upon receipt of a Notice for Trial or Motion for Case Management Conference (“CMC”), a CMC will be ordered by the Court. The Parties must presently attend a CMC after a Notice of Trial. After the Court’s receipt of the Notice of Trial, the Court will issue an Order setting a CMC date. **All parties and their counsel ARE REQUIRED to attend CMC.**

At the CMC, the Court will not hear pending motions. All motions should be scheduled on Uniform Motion Calendar (“UMC”) or specially set. However, the Court may schedule, order, or expedite discovery; schedule disclosure of expert witnesses and discovery of facts known; pursue the possibilities of settlement; refer parties to mediation; refer the cause for a home study or psychological evaluation; refer the parties to parent coordination; and

schedule other conferences or determine other matters that may aid in the disposition of the action.

The following will occur at CMC:

1. The Court will ask the Petitioner what the contested issues are (parental responsibility/time sharing, equitable distribution, spousal support, child support, attorney's fees, paternity).
2. The Respondent will then indicate whether they agree or disagree and state any other contested issues. If full settlement has been reached, and the matter is uncontested and all requirements have been met, the case may proceed to Final Hearing at the CMC.
3. The Court will ask the Parties how long the trial will be.
4. The Court will ask the Parties what discovery needs to be completed.
5. The Court will ask whether the Parties have been to mediation and whether another mediation may help resolve the case. It will not be the Court's practice to refer the Parties to another mediation if another mediation will not be helpful.
6. The Court *may* then inquire into any other issues. However, it will be the Court's practice to expedite the CMC as much as possible.
7. The Court will set a trial date.

Joint Pretrial Statement: The CMC Order will require completion of a Joint Pretrial Statement. The Petitioner shall write a letter to the Court with a copy to the Respondent advising the Court that the Parties have filed their Joint Pretrial Statement and **attach a copy of the filed Joint Pretrial Statement** to the letter. **If the Joint Pretrial Statement is not filed timely, the Court may strike the trial date and place the case back on a CMC date. In any case involving equitable distribution, an equitable distribution chart must be submitted with the Joint Pre-Trial Statement. A sample equitable distribution chart is available on the Court's website.**

The Court will review the Joint Pretrial Statement to be sure that it complies with the requirements of the CMC Order. If the Court determines that the Joint Pretrial Statement does not comply with the CMC Order, it will communicate the same to the Parties and require amendments and/or may strike the trial date and place the case back on a CMC date. If a party submits a notice that the other party has refused to comply with the CMC Order, the Court will issue an Order to Show Cause why sanctions should not be imposed on the delinquent party.

TRIAL AND EVIDENTIARY HEARING PROCEDURES

Sanctions: Failure to appear for trial or evidentiary hearing 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.

Exhibit and Witness Lists: At least **five (5) days prior** to the day of trial or evidentiary hearing, a witness list and an exhibit list should be e-filed and e-mailed to the Court and all parties. **Exhibits should not be emailed to the Court in advance of an in person hearing.** The exhibits will be marked by the Clerk at the beginning of the trial/hearing alphabetically for identification by the side seeking to offer the exhibit into evidence. 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.

This procedure does NOT change or modify the Court's Pretrial Order stating the deadline to meet and exchange documents and the deadline to list all exhibits.

Case Law: Parties may email any case law with the motion which they think may be helpful to the Court. Copies must be furnished to the opposing party. Any legal memoranda or briefs, along with hard copies of significant cited authorities (highlighting the pertinent sections) should be provided to the Court at least five (5) business days prior to the hearing.

Proposed Orders/Proposed Final Judgments: Proposed Orders and/or proposed Final Judgments must be submitted to the Court in WORD format at the time agreed upon at the conclusion of the hearing.

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.

UNCONTESTED FINAL JUDGMENT WITHOUT A HEARING

The Court allows for an Uncontested Final Judgment to be executed without a hearing. If you choose to elect this procedure, the Court asks that the following be provided in an email to the Judicial Assistant at WileT@Circuit19.org:

1. Completed Uncontested Final Hearing Affidavit which is on the Court's webpage
2. Copy of client's driver's license

3. Settlement Agreement
4. The proposed Final Judgment
5. The Petition
6. The Answer
7. Each party's financial affidavit
8. Whether there are minor children
9. UCCJEA (if applicable)
10. Parenting course certificates (if applicable)
11. Any upcoming court dates

This saves the Court's time in locating these essential documents in the file.

All of these documents must be filed with the Clerk prior to emailing the Judicial Assistant.

ADOPTIONS

Please contact the Judicial Assistant by email at WileT@Circuit.19.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. A copy of all pertinent documents **MUST** be attached. **These cases may not be set using the online calendar.**