

UNIFIED FAMILY COURT POLICIES AND PROCEDURES

HONORABLE TRACY REDD
Circuit Court Judge
Divisions K2 & J2

HONORABLE GILBERTO PEREZ
Circuit Court Judge
Divisions K1 & J1

The Following Policies and Procedures were adopted by the foregoing Circuit Court Judges as the **Unified Family Court's Joint Policies and Procedures** as of August 15, 2019:

Setting Hearings	<p>Hearings are scheduled only by email correspondence to the JA. Hearing requests must include the case number, parties' names, pending motion(s) and date the motion(s) was filed and the length of hearing time requested. Please reference the case number and time requested in your subject line.</p> <p>Note that hearing times provided are on a first come first served basis and that it is your responsibility to coordinate with all parties or their counsel to ensure availability PRIOR to confirming a date and time with the JA.</p> <p>Please do NOT include the JA in your emails coordinating dates and times with other offices or parties.</p>
Time Reserved	<p>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 requested.</p>
Continuances	<p>All Motions must be in writing. It must also include a specific reason for the continuance and absent good cause, shall be signed by the party. Trial continuances WILL NOT be automatically granted. They must be scheduled for a hearing even with a Stipulation. A Stipulation must be entered into on which signatures of both legal counsel AND their clients are required.</p> <p><i>See Rule 12.460 Fla. Fam. L.R.P. and Florida Rule of Judicial Administration 2.545(e).</i></p>
Cancellation of Hearings	<p>Please notify the Court of cancelations as soon as possible to make that time available for other hearings.</p> <p><u><i>A Notice of Cancellation of Hearing must be filed with the Clerk and a courtesy copy of the Notice provided to the Judicial Assistant via email. Your hearing will not be canceled on the judge's docket until the Judicial Assistant is in receipt of the courtesy copy.</i></u></p>

<p>Telephonic Appearances</p>	<p>Pursuant to Fla.R.Jud.Admin 2.530, attorneys are allowed to appear telephonically for any non-evidentiary hearing less than 15 minutes in length. The following procedure is required for attendance by phone at a hearing</p> <ul style="list-style-type: none"> § File a motion or stipulation § Set your motion for hearing well in advance of the hearing, if disputed. § If the parties enter into a stipulation, file the original and provide a copy to the Judge’s office with a proposed order. § The Court initiates the call when ready. The attorney must provide a phone number to the Judge’s office, as well as on the Notice of Hearing where the party can be called. § If the hearing is an evidentiary hearing, a party appearing telephonically must have a notary public present with them to identify them (photo I.D. required) and place them under oath. <p>See Florida Rules of Judicial Administration 2.530</p>
<p>Proposed Orders</p>	<p>Following a hearing or a trial, the Court may ask counsel to submit a proposed order to the Judicial Assistant electronically, in a modifiable format. Please provide the order in <i>WORD</i> format to allow for editing. Please ensure opposing counsel is copied in your email when submitting your proposed order to the Court.</p> <p><u><i>Do NOT send proposed Orders in which have not been reviewed by opposing counsel.</i></u> Should there be specific objections by any party or opposing counsel, please include specific points of disagreement in detail when submitting the proposed Order to the Court.</p>
<p>Ex-Parte Orders</p>	<p>An ex parte order is one that is entered without notice to the opposing party and without an opportunity to the opposing party to be heard before the order is entered. In most cases, an ex parte order may violate due process of law, and orders that violate due process are void, unenforceable, and a nullity. Nevertheless, the law does allow ex parte orders in some situations, e.g., F.S. §741.30(5)(a), which allows an ex parte injunction to be entered for protection against domestic violence. Motions for an ex parte order must contain specific citations to the legal authority that gives the judge the authority to enter an ex parte order in the situation alleged in the motion. Without such legal citations, ex parte relief may be denied.</p> <p>Strict compliance with Rule 12.605, Rules of Family Law Procedure, is required.</p>

<p>Position Statements</p>	<p>In certain cases, the Court may enter Orders which are usual and customary within the usual course of a matter. For instance, the Court may enter an Order Authorizing Administration of Psychotropic Medication in a dependency matter, without the necessity of hearing, provided that all parties provide their consent or present the Court with their Position Statement. Should all parties not be in agreement, the Court will require a hearing on the Motion before the entry of an Order.</p>
<p>Motions to Withdraw as Counsel</p>	<p>Unless there is a Stipulation signed by the Client authorizing the withdrawal as Counsel, the Court will require that a hearing be set for all Motions to Withdraw. The filing of a Notice of Appearance by another Attorney on a party's behalf does not constitute a withdraw by the original attorney without a Stipulation signed by the Client and as such you should not deem yourself as no longer the Attorney of Record until such a time that the Court enters an Order permitting your withdrawal, either by consent or after a hearing on the matter.</p> <p>Motions to Withdraw and the subsequent Notice of Hearing MUST include service upon all parties, including your Client in which you are seeking to withdraw from representation.</p> <p>See Florida Rule of Judicial Administration 2.505(f)(1)</p>
<p>Domestic Violence Cases</p>	<p>All correspondence, pleadings and/or questions relating to an Injunction case should be directed to the DV Unit and NOT to the Judge's Office.</p> <p>You may call the DV Unit at 239-533-2884 or visit the DV Unit in person on the 2nd floor of the Lee County Justice Center.</p>
<p>Magistrate</p>	<p>Certain dependency matters may be set before the Magistrate Steven Studybaker in the interest of time management and to preserve judicial resources. The Court expects all parties appearing before the Magistrate to conduct themselves in such a way as if they were appearing before the assigned Circuit Court Judge:</p> <ol style="list-style-type: none"> 1. Be on time and conscious of the Magistrate's time; 2. Be respectful and remember you are addressing the Court; 3. Be prepared.
<p>Local Rules and Standards of Professionalism</p>	<p>All attorneys and <i>Pro Se</i> litigants must follow the Local Rules and Twentieth Judicial Circuit's Standards of Professionalism, which are available on the Internet at www.ca.cjis20.org . Unprofessional conduct before the Court will be handled by the Court, including referrals to the local Professional Committee or the Florida Bar.</p>

<p>Courtroom Decorum</p>	<p>All counsel, parties, witnesses and other person in the courtroom shall comply with the Standards of Courtroom Decorum as set forth in the Administrative Order No. 2.13, which may be found online at www.ca.cjis20.org</p> <p>The following standards apply:</p> <ul style="list-style-type: none"> § Parties/attorneys argue to the Court, not with each other. § Cell phones, pagers, etc. must be turned off before entering the courtroom. § No recording of any kind is permitted in the courtroom at any time. § No talking during proceedings. § No chewing of gum or tobacco. § No electronic cigarettes. § No shorts or beachwear. § No hats or sunglasses. § No children in the courtroom without prior Court approval. <p>Attorneys and litigants are expected to arrive on time and be ready to address their case(s).</p> <p>Cell phones may only be used in Court with the Court’s permission (e.g., attorneys checking their calendars). The bailiff may confiscate cell phones used without the Court’s permission.</p>
<p>Information for Self-Represented Parties</p>	<p>Judges and the Judicial Assistant may not give legal advice, including any advice or direction regarding the preparation of court papers.</p> <p>Judges may not have any one-sided communication with any party. Requests to speak privately with the Judge will be refused.</p> <p>Do not send letters directly to the Judge.</p> <p>Judges and the Judicial Assistant must remain neutral and impartial.</p> <p>A party without a lawyer is not entitled to special treatment and must follow the same rules or procedures, rules of evidence and laws that govern lawyers.</p> <p>Pro Se Parties may visit the office of Lee County Family Court Services, 1700 Monroe Street, Ft. Myers, FL 33901 or call 239-533-2747 for assistance in family law matters. Individuals are advised that Family Court Services staff does not represent them in their case and legal advice cannot be given.</p>