

DIVISION PROCEDURES

EX PARTE: Involves only uncontested matters and are scheduled with the Judicial Assistant. This is always done between 9:30 to 10:00 a.m. on certain dates of every month. The schedule is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>). Ex parte dates are NOT posted on the office voice mail. **Please submit ZOOM information, Checklist, Driver's License and Consent Final Judgment at least 7 days prior to your hearing date.**

EXHIBITS: All exhibits must be provided to our office at least 3 business days before your hearing. Exhibits which are 30 pages or less may be emailed to the JA at bpowell@coj.net Any exhibits over 30 pages must be delivered to the Courthouse.

Please note that while the Family Law Administrative Order provides for Exhibits to be provided at least 3 business days before the hearing, our division prefers to have all exhibits at least 7 days prior to your hearing.

SETTING A CASE FOR TRIAL: Motions to Set for Trial and Motion to Set Hearings for greater than one (1) hour are set for a time certain during the regular calendar. **Motions to Set are no longer heard during Ex Parte for Division FM-B.** The Judge sets these.

1. File a Motion to Set Case for Trial/Hearing.
2. Coordinate with the Judicial Assistant and opposing party or attorney to select a date and time certain which is convenient for all parties for the Motion to Set to be heard.
3. Complete the Trial Memorandum Form in advance of the Motion to Set hearing, it is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) or is available in the Judge's hearing room.
3. **Please note that Judge Healey will only accept a Trial Set Memo that has the Motions with the corresponding docket line attached – Example "Mother's Motion for Contempt - #D111"**
4. The Judicial Assistant will prepare the Order Setting Case for Non-Jury Trial and Pretrial Conference or the Order Setting Case for Hearing.

When a case **SETTLES** prior to the pre-trial or trial date, **PLEASE, IMMEDIATELY** contact the Judge's office to remove the pre-trial and trial from the calendar.

SETTING HEARINGS: Hearings may be set by contacting the Judicial Assistant by email (bpowell@coj.net) . Please have opposing attorney copied on the email and provide the case number, the name of the motion to be heard (**MUST** be filed prior to requesting to set for hearing), and how much time is required for the hearing. The Judicial Assistant will not resolve disputes regarding when a motion will be set. Do not send courtesy copies of the motion but do provide the Judicial Assistant the case docket number for the motion (Example – “Mother’s Motion for Contempt #D111”).

DURATION TIMES FOR A HEARING: Motion hearings may be scheduled on either morning or afternoon calendars, commencing at 10:00 a.m. to 12:00 noon and 1:00 to 4:00 p.m. Hearings that require more than one (1) hour of time must be set by the Judge via a Motion to Set hearing.

EMERGENCY MOTIONS/MOTIONS FOR REHEARING/MOTIONS FOR NEW TRIAL: The original motion must be filed with the Clerk. The Court requires a copy for review to be delivered to the office either by hand delivery or email. Each request will be reviewed by the Court to determine whether it is deemed an emergency. The Judicial Assistant will contact the parties or attorney(s) to set a hearing, as necessary.

COURTESY COPIES: Courtesy copies of memoranda should be delivered to the Judge’s office at least three (3) days before a scheduled hearing on the matter. Attorneys shall only send memoranda to the Judge that has been served on opposing party or attorney and delivered in the same manner as to the Judge. Memoranda may be delivered to the Judge via his Judicial Assistant’s email bpowell@coj.net and opposing party or attorney by email, mail or by hand. Do not send courtesy copies of motions or anything pertaining to the motion hearing.

MOTION TO COMPEL:

1. Before filing a Motion to Compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a Motion for a Protective Order, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, the attorney for the moving party shall confer with the opposing party or attorney in a good-faith effort to resolve the issues raised, and shall file with the Court at the time of filing of the motion, a statement certifying that the moving attorney or party has so conferred with opposing party or attorney and that they have been unable to resolve the dispute.

2. When a motion has been placed on a Judge’s calendar, that motion may not be cancelled without the Judge’s consent.

3. As provided in Section (4) of rule 1.380, if the motion is granted, the Court shall award expenses which may include attorney’s fees.

UNAVAILABILITY: Substitute Judicial Assistants are not available to cover this division during illness or vacation. When the Judicial Assistant for Division: FM-B is not present, leave a telephone message, and you will be contacted as soon as possible following the Judicial Assistant's return to the office.

LEAVING MESSAGES ON VOICE MAIL: Please include the case number, your name, phone number, and a brief message concerning your call. The Judicial Assistant will return calls as soon as possible.

SUBMITTING PROPOSED ORDERS:

1. The attorney preparing a proposed Order subsequent to a hearing shall provide an advance copy to opposing counsel. The cover letter to be used and sent to opposing party or attorney is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.
2. The proposed Order should then be submitted to the Court. The cover letter to the Judge is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.
3. When entitling proposed Orders always designate the particular motion heard, such as "Order Denying Wife's Motion to Dismiss" or "Order Granting Husband's Motion for Contempt," etc. Consent Orders shall contain the word "Consent" at the beginning of the caption.
4. Sufficient number of distribution copies for all parties and stamped addressed envelopes must accompany the Order when submitted.
5. The **DONE AND ORDERED** clause, along with the Court's signature line, should be on the same page. If the last page contains only the date line and/or Judge's signature line it must have the title of the Order and the case number on it also.
6. Full names and complete addresses of counsel/parties to whom copies are to be provided should be included on the last page.
7. Should the Court request complex Orders to be submitted via email, they need to be formatted in either WordPerfect or Word.
8. The signature line and the day, month and year of the Order shall all be located on the right border of the page.

9. If **ALL** parties/entities are on e-service, the cover letter and proposed Order may be emailed to the Judicial Assistant.

MOTION TO WITHDRAW AS COUNSEL: These motions are heard during ex parte. Please follow Fla. R. Jud. Admin. 2.505(f).

Last updated 1/12/22