



Judge L.E. Hutton

Division FM-D
Hearing Room 707
501 West Adams Street
Jacksonville, FL 32202
Dara Radtke, Judicial Assistant
Email: DRadtke1@coj.net

DIVISION PROCEDURES

EMAILING THE JA: PLEASE INCLUDE THE FOLLOWING INFORMATION: Case number, parties' last names, and the motion to be heard in the subject line of your email. For example:
2019 Smith v Smith, Motion for/to (including case docket number (Example – "Mother's Motion for Contempt #D111").

EX PARTE: Includes only uncontested dissolution cases, motions to set for trial, motions to withdraw as Attorney of Record (requires proper advanced notice to client), and coordinating hearings in excess of one (1) hour. These proceedings are scheduled with the Judicial Assistant for a date and time certain. Ex Parte proceedings are held between 8:30 to 10:00 a.m. on specified dates every month as posted on the updated Ex Parte schedule. The Ex Parte schedule is posted at [4th Judicial Circuit Court – Ex Parte Dates & Judge's Procedures \(jud4.org\)](http://jud4.org) and posted outside Hearing Room 707 on the seventh floor of the Duval County Courthouse. Prior to a hearing on an uncontested dissolution of marriage, one party must provide the following: (1) a checklist for entry of the consent final judgment, (2) proper proof of residency, and (3) the signed Consent Final Judgment. A copy of the checklist can be found at [4th Judicial Circuit Court – Ex Parte Dates & Judge's Procedures \(jud4.org\)](http://jud4.org).

PUTTING CHILDREN FIRST IN DIVORCE COURSE: Administrative Orders issued in the Fourth Judicial Circuit and Section 61.21, Florida Statutes, require that parents who are parties to a dissolution of marriage action with minor children or a paternity action **shall complete a four-hour parenting course offered at:** (1) Hope Haven Children's Clinic and Family Center, 4600 Beach Blvd., Jacksonville, FL 32207 (904) 346-5100, (2) First Coast Behavior Solutions, LLC, 2317 Blanding Blvd., Suite 102, Jacksonville, FL 32210 (904) 200-7979, or (3) Jewish Family and Community Services, 8540 Baycenter Road, Jacksonville, FL 32256 (904) 394-5865. The parties are further required to file the Certificate of Completion in the Court file **before** the entry of a Final Judgment.

AUDIO-VIDEO COMMUNICATION TECHNOLOGY (“ZOOM”) HEARINGS: Rule 2.530, Florida Rules of General Practice & Judicial Administration governs the use of communication technology for court proceedings. Considering that rule, the following proceedings will be held in person, subject to the exceptions described below:

1. All Contempt Hearings shall be held in person.
2. Any Hearing requiring greater than 45 minutes shall be held in person.
3. By agreement of the parties, or upon the filing of an appropriate motion under the rule, and a finding of good cause by the Court, a non-party witness may be authorized to testify at the hearing via Zoom.
4. It is understood that extraordinary or unique circumstances may arise warranting an exception to these procedures. If you believe these circumstances exist, the moving party is directed to file a motion pursuant to 2.530(b), Florida Rules of General Practice & Judicial Administration.
5. Whether the case is being heard via Zoom or in person, all parties are expected to dress in courtroom attire and communicate from a location where they are able to fully focus on the proceeding without distraction.
6. Judge Hutton uses his own **Meeting ID: 444 925 2356** a password is not required.

SETTING A CASE FOR TRIAL AND HEARINGS GREATER THAN ONE

(1) HOUR: Motions to Set for Trial and Motions to Set Hearings for greater than one (1) hour are set for a time certain during the Ex Parte calendar. Judge Hutton 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. **Please note that Judge Hutton will only accept a Trial Set Memo that has the Motions with the corresponding docket line attached – For example “Mother’s Motion for Contempt - #D111”**
4. Serve the Notice of Hearing on all parties.
5. Out-of-area attorneys may appear by Zoom if requesting to do so.
6. Complete the Trial Memorandum Form in advance of the Motion to Set hearing. The form is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) or is available in the Judge’s hearing room.
7. The Judicial Assistant will prepare the Order Setting Case for Non-Jury Trial and Pretrial Conference. For all hearings (non-trial), the **attorneys will prepare** the Notice of Hearing.
8. The Judicial Assistant will e-file the Order Setting a Case for Non-Jury Trial **or** send it to the Clerk for filing. In some cases, the Judicial Assistant will email the signed order to the parties; if not, the parties may obtain their copies from the CORE/Clerk’s docket. In the alternative, Attorneys may provide addressed, stamped envelopes for all parties, including the mediator, for mailing the Order Setting Trial. The Court does not provide envelopes or postage.

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

calendar. Please also file a Notice of Voluntary Dismissal with the Clerk's office to close the case.

SETTING HEARINGS REQUIRING ONE (1) HOUR OR LESS: Hearings of one (1) hour or less may be set by emailing the Judicial Assistant at DRadtke1@coj.net. Opposing counsel should be included in the email. The subject line of the email should contain the case number, case style/parties' names, the name of the motion to be heard, and the docket line of the motion. Your email should specify how much time is requested on the calendar for the hearing. The Motion **MUST** be filed before emailing the JA to set for hearing. The Judicial Assistant will not resolve disputes regarding when a motion will be set. There is no need to send courtesy copies of the motion.

Motion hearings may be scheduled on either morning or afternoon calendars, commencing at 8:30 a.m. to 11:00 a.m. and 1:00 p.m. to 4:00 p.m. Hearings that require more than one (1) hour must be approved by the Court during the Ex Parte calendar.

****PLEASE NOTE: HEARING DATES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THIS OFFICE.**

EXHIBITS: **If you have less than twenty-five (25) pages of total exhibits, they may be submitted via email to the Judicial Assistant.** Please include a cover letter/index with numbered or lettered exhibits at least two (2) business days prior to the hearing. **If you have more than twenty-five (25) pages of total exhibits,** please provide a trial binder by mail or place them in the drop box in the courthouse lobby at least two (2) business days prior to the hearing. Please notify the Judicial Assistant that exhibits have been left in the drop box.

All exhibits must be tabbed and pre-marked as referenced in the example below.

Case No. 2020-DR-123456 FMXX
Petitioner/Respondent's Exhibit No. A
Admitted as Exhibit _____
Date admitted 10/1/2020

CANCELLATION OF HEARINGS: When cancelling a hearing, please file a Notice of Cancellation with the Clerk and provide a courtesy copy to the Court via an email to Judge Hutton's Judicial Assistant at DRadtke1@coj.net. If the hearing is imminent, please call 904-255-1269.

MOTIONS FOR REHEARING: Motions for rehearing and/or reconsideration must be filed with the Clerk and a copy e-served to the Judge's office at DRadtke1@coj.net. Please do not call the Judge's office to schedule a hearing on the motion. The Judge will review the motion and either issue an order or the Judge's Assistant will schedule a hearing.

EMERGENCY MOTIONS: When filing an emergency motion please be mindful that the matter must be: (1) a genuine emergency and (2) the motion must be filed with the Clerk of Court. If seeking an ex parte hearing without notice to the other party, your motion must state an adequate reason why the other party should not be given notice. Pursuant to Florida Supreme Court Approved Family Law Form 12.941(d), all Emergency Verified Motions for Child Pick-Up Orders must be verified/sworn by the movant. Emergency motions should be e-mailed to Judge Hutton's Judicial Assistant at DRadtke1@coj.net or delivered to the Judge's chambers for review. After the Judge has reviewed the motion, the Judicial Assistant will contact the moving party regarding the Judge's decision. Should Judge Hutton be out of the office, please follow local rules of procedure by contacting the next division in alphabetical order.

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 the motion, **a statement certifying that the movant, in good faith, has conferred with the opposing person or party, and that they have been unable to resolve the dispute without court action.**

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

3. As provided in 1.380(a)(4), the Court shall award expenses against the losing party which may include attorney's fees.

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 the opposing party or attorney is provided on the website under Letters for Attorneys Submitting Orders.
2. The proposed Order should then be submitted to the Court.
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. A sufficient number of 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 the Judge’s signature line, it must also have the title of the Order and the case number on it.
6. Full names and complete addresses of counsel/parties to whom copies are to be provided should be included on the last page.
7. All proposed Orders must be submitted to the Judicial assistant via email. All proposed Orders must be **formatted in 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.

TEMPORARY NEEDS HEARINGS: All temporary needs issues are to be set before the General Magistrate. You may call the dedicated number (904) 255-1180 between the hours of 10:00 a.m. and 2:00 p.m., Monday

through Thursday, to schedule temporary needs and/or post-judgment hearings before Magistrates.

DEFAULT FINAL HEARINGS: Default final hearings should be coordinated with the Judicial Assistant on the Court's regular calendar by email. Default final hearings will not be heard during the Ex Parte calendar.

SELF-REPRESENTED PARTIES (PRO SE): If you are a self-represented or *pro se* party (not represented by an attorney), you must contact Family Court Services, Case Management Main Number at (904) 255-1060 for questions and guidance regarding your case.

OBJECTIONS TO MAGISTRATES/HEARING OFFICERS: It is required that any objection to the referral of the matter to the Magistrate must be timely filed with the Clerk of Court, and a courtesy copy provided to the Judicial Assistant via email.

EX PARTE COMMUNICATIONS: The Court staff will not have ex parte communications with anyone and the court staff is not permitted to relay ex parte information to the Judge.

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.

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

INTERPRETERS: The Court will provide interpreters for matters wherein the requesting party is **indigent**. Attorneys that represent parties who will need the Court to provide an interpreter should notify the Court's Judicial Assistant of the need for an interpreter at the time the hearing is scheduled.

RECOMMENDATIONS: If you have a recommendation as to amending or revising these procedures, you may email the Court's Judicial Assistant at DRadtke1@coj.net. Thank you for your courtesies and cooperation.