

Judge James Nealis

County Court Division E

Duval County Unified Courthouse
501 West Adams Street, Suite 7164
Jacksonville, Florida 32202

Sharon Shoup, Judicial Assistant
(904)255-1327
Email: sshoup@coj.net

Civil Procedures

HEARINGS

If you have a hearing scheduled before Judge Nealis, please refer to the Notice of Hearing you received. It probably has all of the information you need to attend. If not, please do not hesitate to email Judge Nealis' judicial assistant, Sharon Shoup.

All hearings are presumed to be conducted in person.

Upon request of the court, a party may appear via zoom. These requests must be made at least five (5) working days in advance of the hearing. Florida Rule of General Practice & Judicial Administration 2.530 governs the use of communication technology for court proceedings. In other words, it controls whether a hearing can be scheduled on Zoom or in person. Considering that rule, the following proceedings will be held in person, subject to the exceptions described below:

- Hearings scheduled for more than 30 minutes or upon the Court's direction;
- Evidentiary hearings;
- Certain pretrial conferences, except small claims pretrial conferences set by the Clerk;
- Jury trials, non-jury trials, small claims trials, and summary proceeding trials conducted under section 51.011;
- Any other matter in which evidence will be taken.

All participants who have given proper notice of their intent to appear via zoom will be responsible to ensure that their internet connection is working and that their audio and video is clear. **Anyone who appears via zoom but fails to maintain an adequate internet connection may be considered absent from the hearing. DO NOT EXPECT THE COURT TO RESCHEDULE YOUR HEARING BECAUSE YOU OR A WITNESS DOES NOT HAVE AN ADEQUATE ZOOM CONNECTION.** Parties should sign into Zoom using their full first and last names.

Whether your case is being heard via zoom or in person, you are expected to dress in courtroom attire and communicate from a location where you are able to fully focus on the proceeding without distraction. Under no circumstances may a party log into a courtroom proceeding while operating a motor vehicle, walking or any other activity which will detract from the proceedings.

Notice of Hearing

All motions must appear on the docket prior to requesting hearing times. Email Judge Nealis' judicial assistant and copy the assistants for opposing counsel when requesting a hearing date and time. Provide the case number in the subject line of the email, and in the body of the email provide the motions to be set for hearing and how much time is being requested. The judicial assistant will respond with available dates/times. The party requesting the hearing will be responsible for noticing the hearing. If the case settles, notify the Judicial Assistant immediately so the hearing can be removed from the calendar.

The court will not hold open dates and times for hearings open until finalized and confirmed. Hearing dates/times are not secured until confirmation is sent from this office.

Hearing notices should identify the matters to be heard, the time of the hearing, the amount of time requested, and the location of the hearing or zoom information if so scheduled. Hearing notices should be served on all parties and filed with the Clerk of the Court. Hearings not properly or timely noticed will be canceled.

Unilateral notices of hearing

Hearings may be unilaterally noticed with a minimum of 30 days' notice, and only due to a lack of cooperation. A notice of a hearing set unilaterally due to a lack of cooperation must describe, in detail, the efforts made to reach agreement on the hearing date. A single email, letter, or ultimatum is insufficient. Unilaterally set hearings that do not describe efforts to agree on a hearing date may be cancelled by the Court without notice.

Cross-noticing

Cross-noticing hearings is absolutely prohibited. If the parties agree to add certain motions to a hearing, they should file an amended notice of hearing after clearing the addition with Judge Nealis' chambers. Motions unilaterally cross-noticed will not be heard and may be denied without prejudice.

Cancellation of Hearings

Email the Judicial Assistant and copy opposing counsel's office notifying the Judicial Assistant of the cancellation and why the case has been cancelled. A notice of cancellation e-filed with the Clerk is not sufficient notice of cancellation. Cancellation must be confirmed by the judicial assistant. Unless matters at issue in the hearing have been resolved by the parties, the Court does not permit the unilateral cancellation of hearings without Court Approval.

PROPOSED ORDERS FOLLOWING A HEARING

Following a hearing the Court may request the lawyers prepare proposed orders pursuant to the Court's verbal recitations of rulings made. Such proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If there is an unrepresented party involved in the case not using e-Portal, the party presenting the proposed order shall be responsible for providing a conformed copy to the unrepresented party forthwith.
2. If all parties before the Court are using e-Portal, the proposed Order shall be emailed to the Court in Microsoft Word.docx format. Said submission should be submitted to the Court by email to the Judicial Assistant.

3. Proposed orders following a hearing must be submitted within five (5) days **via email** to sshoup@coj.net. Failure to timely submit a proposed order may result in denial of the motion without prejudice or a rehearing. (added period)

Emails submitting requested proposed orders should contain the hearing date and state whether all parties agree to the form and content of the order. It is not sufficient to state that the proposing party has not heard back from others, unless 5 days have elapsed without a response. The email must affirmatively state whether the other parties object or do not object to the form of the order. Any party objecting to the form of an order must notify Court immediately via email and submit a competing order within **3 days**

Order Captions for Submissions after a Hearing

All proposed orders should begin with “Agreed Order” or “Competing Order” in the caption.

ALL OTHER PROPOSED ORDERS – not specifically requested by the Court

In Division E all Orders, Final Judgments, Writs, etc., are signed electronically. All “routine” submissions of proposed Orders, Final Judgments, Writs, etc. that have not been specifically requested by the Court, are to be filed electronically via the eportal with a cover letter. If you provide a direct contact number in your cover letter, the Judicial Assistant will attempt to contact you if there are any concerns regarding a submission.

Pro Se/Unrepresented Parties

Those who chose to represent themselves should be aware that at no time shall you unilaterally communicate with the Court or the Judicial Assistant regarding your case. Do not include the Judicial Assistant or the Court on communications with the opposing party/opposing attorney regarding the case unless it is related to scheduling. The Court and Judicial Assistant cannot provide you legal advice. If you have a legal question, you may consider consulting with an attorney of your choosing or contacting Jacksonville Area Legal Aid, Inc. or the Jacksonville Bar Association Lawyer Referral Program.

CONTACT

Please email the Judicial Assistant (sshoup@coj.net) if you have any questions. With any message, please include your name, case number, and phone number, so that we can respond as soon as possible. We are happy to assist, but court staff cannot give legal advice or discuss orders. Litigation by emailing chambers, however, is **absolutely prohibited**. All relief must be sought by motion or stipulation. Parties who seek any form of relief by emailing chambers—other than for administrative purposes allowed above—may be sanctioned without further notice.