

PROCEDURES FOR DIVISION FM-A:

Many law firms employ capable legal assistants and other non-lawyer staff members who help ensure the efficient administrative functioning of the firm. There are, however, limitations on the types of tasks that can properly be assigned to non-lawyer employees. Non-lawyers cannot engage in the unlicensed practice of law. Consequently, they cannot ask a Court for affirmative relief such as entry of a proposed order. Further, they cannot make representations to a Court such as: "Opposing counsel does not object." They cannot represent that a proposed order accurately represents the Court's verbal rulings, and only those rulings, announced at a hearing.

See generally **Rule 4-5.3 ("Responsibilities Regarding Nonlawyer Assistants")**, Fla. Bar **Rules of Professional Conduct**, and the Comment to that rule. The Comment notes that many of the limitations on non-lawyer staff exist because, unlike lawyers, such staff are not licensed attorneys and therefore "are not subject to professional discipline" by The Florida Bar.

In Division FM-A, therefore, all correspondence intended for the Court's review and consideration, including correspondence transmitting proposed orders, must be signed by counsel rather than by non-lawyer staff. This applies whether the correspondence is sent by letter or email, and applies whether the correspondence is sent directly to the Court or to the Court through its judicial assistant.

To schedule a hearing when counsel is present on both sides, please have all offices on the line with the JA to schedule.

Out of town counsel may appear by phone during *ex parte* by calling (904) 255-1610 **without the necessity of a motion**. Out of town counsel wishing to appear by phone for a hearing that is scheduled for a time certain must file a Motion to Appear by Phone, sending a courtesy copy of the motion to the Judge's office (by email or mail), along with a proposed order granting the appearance by phone. The conference call-in number is (904) 255-1610.

On cases where a both parties have an attorney, orders may be mailed to kbend@coj.net. If a party is *pro se*, please mail orders to the Judge's office with envelopes (using Duval County Courthouse return address). Please do not use firm return addresses on envelopes. Send blank envelopes or use the Duval County Courthouse address (501 West Adams Street, Jacksonville, Florida 32202) as the return address.

Before a consent final judgment will be entered, the CFID completion certificate for both parties must be filed, the UCCJEA and financial affidavits must be filed by both parties.

Consent final judgments or modifications to a judgment that address issues marked "yes" on the accompanying checklist with regard to the parents must be scheduled for a time certain. Checklist forms for final judgments and modifications are found on this site (www.jud4.org) and must accompany the order.

Motions to Withdraw or for Substitution of Counsel with consent from client attached to the motion may be emailed to kbend@coj.net. A Motion to Withdraw or for Substitution of Counsel

without consent may be scheduled during *ex parte*.

A party or witness who wishes to testify by phone, Skype, or FaceTime must secure written leave of court. A party or witness appearing by phone without video must have a notary public present with him or her to identify him or her and to administer a witness oath.

Any proposed timesharing arrangement that requires a child to change homes during a school night other than Sunday night must be approved by the Court. Both parties (and their attorneys, if any) shall be present to offer supporting testimony.

Hearings that require more than one hour must be scheduled during *ex parte*. The judicial assistant will calendar hearings up to one hour.