

JUDGE JAMES H. DANIEL
DIVISION CV-F
DUVAL COUNTY COURTHOUSE, CHAMBERS 736
501 West Adams Street, Suite 7271
Jacksonville, Florida 32202

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JUDICIAL PRACTICES AND PROCEDURES

INTRODUCTION

Rule 1.010 of the Florida Rules of Civil Procedure and the Rules of Judicial Administration encourage the speedy, just and inexpensive determination of every action, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. To that end, these policies and procedures are published to assist counsel and/or pro se parties appearing in Division FC-F by addressing routine questions and issues that arise while litigating and trying cases. These procedures will be revised/updated periodically. They are not intended to relax or supplant the Florida Statutes, the Florida Rules of Court, local rules of Court, administrative orders, case specific court orders, the Rules Regulating Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the “Applicable Law, Rules and Procedures”). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to **jprather@coj.net**. The subject line **must** contain the case number, style (case name), and relevant matter.
(Example: 2025 CA 001234 – ABC v. 123 – 30-minute hearing request)
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of all parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any email directed to the judicial office, unless an ex parte communication is authorized by law.
- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the Court. Parties may only contact the judicial office according to these practices and procedures.
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an email address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the email account registered for electronic service.
- **Response to Inquiries:** The Judicial Assistant is not authorized to provide legal advice.

B. Scheduling Procedures

- **Scheduling Hearings:** Hearings will **only** be set on motions/petitions already filed with the Clerk of Court. All hearings must be coordinated with opposing counsel or pro se parties utilizing email unless an ex-parte communication is authorized by law. The party requesting a hearing on any pending pleading should email the Judicial Assistant coping all other parties at jprather@coj.net. Dates provided for hearings are not held and may be given to other parties requesting hearing time. Hearing dates/times are not secured until a confirmation email is sent from the Judicial Assistant. Once a hearing time is set, no party may add or notice additional matters for that time without the express consent from the judge's office.
- **Notice of Hearing:** The Notice of Hearing should list all motion(s) with the docket line of the motion. The NOH should be e-filed and served as soon as possible after reserving hearing time. A notice of hearing involving any remote appearance will list the Judge's Zoom credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **Cancelling Hearings:** Once a hearing is set, it may **NOT** be cancelled without the consent of the Court. The moving party who set the hearing is the party responsible for contacting the Court to request the hearing be canceled. The Judicial Assistant will confirm the cancellation. If you do not receive an email confirming the cancellation, please try contacting the Judicial Assistant again. Do NOT assume the hearing is removed by filing a notice of cancelation, notice of dismissal, etc. The Clerk of Court does **NOT** send all filings to the Judge's office.
- **Ex Parte:** Ex parte hearings are currently suspended for Division CV-F.
- **Status Conference:** Any party may request a status conference when a case requires.

C. Courtesy Copies of Pleadings, Case Law, and Other Documents

- Judge Daniel does not require courtesy copies of the pleadings or case law to be sent to the office.

D. Exhibits for Evidentiary Proceedings

- **Format:** Exhibits must be submitted to the Clerk of the Court in paper format. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the Court, and each party to review during the hearing or trial. Exhibits must be labeled in the following format: "Petitioner/Plaintiff 1" or "Respondent/Defendant A".
- **Deadline for Submissions:** All exhibits must be received in chambers three (3) days before the evidentiary proceeding.

E. Remote Appearance

- **Remote Appearance Procedure:** The Court maintains a hybrid virtual courtroom, allowing parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. The Court allows attorney(s) and parties to appear telephonically or by Zoom for non-evidentiary motion hearings consisting of thirty (30) minutes or less without permission from the Court.
- **Requirements:** Evidentiary hearings and hearings longer than 30-minutes require permission from the Court. Remote appearances are not permitted for hearings exceeding 30 minutes in duration, except upon motion, good cause shown, and leave of Court. Counsel must submit a request for remote appearance to the Court no later than five (5) days **prior** to the hearing. The Court may deny remote appearances, given the nature of the hearing, the number of witnesses, or the amount of exhibits. If permission is granted to appear remotely for an evidentiary hearing, the parties appearing remotely **must** provide the court with their evidentiary exhibits no later than two business days before the hearing.
- **Remote Appearance Not Permitted:** Remote appearances are **not** permitted for hearings on a discovery issue, i.e. Motion to Compel, Motion for Sanctions, Objections to Subpoena, Motion for Protective Order, etc. Remote appearances at an initial Case Management Conference under subsection **H**, below are also **not** permitted.
- **Platform Used:** The Court uses Zoom for remote appearances.
- **Platform Meeting ID:** Zoom Meeting ID#: 366 055 9515.
Zoom Dial in number: 1 833 548 0276 or 1 833 548 0282 (audio only).

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.
- **Emergency pleading:** The Court requires a copy to be delivered to the office by email, mail or hand delivery. Please send **only** one copy.
- **Scheduling:** If the Court determines that an emergency exists, the Judicial Assistant will contact the parties to schedule a hearing with the parties. If the parties cannot agree to the Court will unilaterally schedule a hearing. All parties shall make themselves available for an emergency hearing, barring exigent circumstances.

G. Initial Case Management Conferences

- **Case Management Conference:** The Court will issue a Case Management Order at the outset of all cases that identifies the case type (streamline, general, or complex), a presumptive trial date, and Case Management Conference date. The parties may avoid the in-person CMC by E-Filing and emailing the Judicial Assistant a completed Division CV-F Trial Set Memorandum no later than 14 days prior to the date of the CMC. The parties are to advise the Court whether the parties adopt the projected trial date/duration or whether the parties agree to a different trial date/duration along with the proposed mediator.

H. Setting Case for Trial

- **Procedure:** Setting cases for trial will be done through e-mail, or in-person at the initial CMC if no trial set memorandum is timely submitted per the directions on the Case Management Order. The Trial Set Memorandum, along with available trial dates, are posted on the Judge's webpage at jud4.org/ex-parte-procedures-and-dates. The parties shall complete all information on the form, **including** the desired mediator and trial date, and submit it as an e-mail attachment to the judge's Judicial Assistant.
- **Disagreements on mediator, trial date, or deadlines:** In the event the parties are unable to agree to a trial date, a mediator, or the deadlines, the parties can request a hearing date from the Judicial Assistant.
- **Trial week:** The trial schedules are available on the Court's website. In submitting a completed CV-F trial set memo. the parties are representing to the Court that counsel/parties expect to be available that week for trial and, further that the trial week selected is in substantial compliance with the case time standards.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five (5) days prior to the scheduled trial date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e). The moving party who files a Motion to Continue is the party responsible for contacting the Court to request a hearing be scheduled on the motion.
- **Settlement:** **All** counsel shall ***immediately notify this Court in the event of settlement or dismissal*** and shall submit a stipulation for an order of dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement. A copy of the mediation report is **not** sufficient to remove the case from the docket.

I. Submission of Orders and Judgments

- **Submission Method:** Proposed orders must be submitted to the Court via the E-Portal with copies to all parties.
- **Templates and instructions for submission of Orders and Judgments:** <https://www.jud4.org/proposed-orders-efiling>.
- **Format:** All proposed orders must be submitted in Word format. All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order. All consent Orders shall include the word “Consent” or “Agreed” in the caption of the proposed Order. Please do not submit a proposed order with “proposed” in the caption.
- **Deadline for Submissions:** Proposed orders must be submitted within ten (10) days after any hearing. The Court may require the parties to appear in person for any order submitted beyond the deadline.
- **Parties not receiving service through the e-portal:** the attorney submitting the order is responsible for ensuring copies of the order(s) are mailed to any unrepresented party or parties and a Notice of Service is filed on the case. The following language should be on all orders for a party or parties not receiving service through the e-portal: **Counsel shall serve a copy of this Order, by regular mail, to all parties not receiving service of court filings through the Florida Courts E-Filing Portal and shall file a certificate of service in the court file.**

J. Other Division Procedures

- **ADA Accommodations:** If you are an individual with a disability who needs an accommodation to participate in a court proceeding or other court service, program, or activity, you are entitled, at no cost to you, to the provision of certain assistance. Requests for accommodations may be presented by form, in another written format, or orally. Please visit [Jud4.org - Florida State Courts System ADA Title II Accommodation Request Form - Duval and Clay](#) to access the form, that must be submitted to the ADA Coordinator at (904) 255-1695 (or 711 Florida Relay Service); or at 501 West Adams Street, Room 6204, Jacksonville, FL 32202; or CRITNTRP@coj.net. Please submit your request as far in advance as possible, but preferably at least seven (7) days before your scheduled appearance or other Court activity.
- **Interpreter Requests:** The Fourth Judicial Circuit Court Interpreter Program is dedicated to providing qualified interpreters to non-English speaking litigants in the courtroom. Interpreters are hired by Court Administration on an event-by-event basis and can be provided for most court events. Please contact the Court Interpreter Program Coordinator at least seven (7) days before the service is needed, or immediately upon receiving notification if the time before the needed service is less than seven (7) days.

If you are hearing or voice impaired, call 711 to reach the Telecommunications Relay Service. Requests for interpreter services (foreign language and sign language) should be directed to the Court Interpreter Program Manager, crtintrap@coj.net or by telephone at (904)255-1010. Please visit Jud4.org - [Request for Interpreters](#) for more information.

- **Rule 1.010 of the Florida Rules of Civil Procedure and the Rules of Judicial Administration:** The Rules of Civil Procedure and Judicial Administration encourage the speedy, just and inexpensive determination of every action, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. To that end, these policies and procedures are published to assist counsel appearing in Division FC-F by addressing routine questions and issues that arise while litigating and trying foreclosure cases and will be revised/updated periodically. They are not intended to relax or supplant the Florida Statutes, the Florida Rules of Court, local rules of Court, administrative orders, case specific court orders, the Rules Regulating Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the “Applicable Law, Rules and Procedures”). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.
- **Technology Needs:** The Court allows parties to use technology in their trial and hearing presentations. Counsel is responsible for having any technology set-up and ready to use during the trial or hearing without causing unnecessary delay. Please contact the Court’s Information Technology department at <https://www.jud4.org/Technology.aspx> to coordinate any technological issues in advance of the trial or hearing.
- **Motion for Rehearing/Motion for New Trial:** The original motion/petition should be properly filed with the Clerk of Court. The Court requires a copy to be delivered to the office by email. The Judicial Assistant will contact the parties if it is necessary to set a hearing.
- **Discovery Issue:** A hearing on a Motion to Compel, Motion for Sanctions, Objections to Subpoena, Motion for Protective Order, etc. is an in-person hearing and will be set for 30-minutes. A hearing set for a discovery issue will **not** be removed from the calendar for any reason. Even if the issue is resolved the attorneys/parties are required to come in-person before the Judge to explain the reason(s) for the filed motion and the necessity of it to be placed on the Judge’s calendar. The only exception a discovery issue hearing can be removed from the calendar is when the case completely settles.