

# Judicial Practices and Procedures

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## Contact Information

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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 BishopM@clayclerk.com. The subject line must contain the case number, case name, and relevant matter (e.g., 2024 DR 001234 SC – Doe v. Doe - 2-Hour Hearing Requested.)”
- **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 e-mail directed to the judicial office, unless an ex parte communication is authorized by

law.

- **Pro se parties may wish to contact an attorney, Legal Aid, Family Court Services (284-6302, Opt. 3), or the Low Bono Program by calling the Clay County Clerk of Court Civil Department at (904) 269-6361 to discuss any questions or concerns.**
- **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 e-mail 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 e-mail account registered for electronic service.
- **Response to Inquiries:** The Judicial Assistant is not authorized to provide legal advice.
- **Leaving Messages on Voicemail:** 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. Multiple calls will not expedite a return call.
- **Unavailability of Court Staff:** Substitute Judicial Assistants are not available to cover this division during illness or vacation. When the Judicial Assistant for Division I 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. If the matter is an emergency, please follow the directions on the "out of office message."

## **B. Scheduling Procedures**

- **Court Schedule:** Forms, along with status conference, pretrial conference, and trial dates, are posted on the Judge's webpage at [jud4.org/](http://jud4.org/) and <https://clayclerk.com/judges>.
- **Scheduling Hearings:** Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel or party if unrepresented. The party requesting a hearing on any pending motion should contact the Judicial Assistant by email at [BishopM@clayclerk.com](mailto:BishopM@clayclerk.com). Said email shall include all other parties. Dates provided for hearings are not held and may be given to other cases. It is

expected that all counsel will promptly respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. Hearing dates/times are not secured until confirmation is sent from the Court. Once a hearing time is set, no party may add or notice additional matters for that time without the express consent of all parties.

MOTIONS SHOULD CONTAIN THE STATUTE AND RULE UPON WHICH THEY ARE GROUNDED.

- **Notice of Hearing:** A notice of hearing will be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance will list the Judge's Zoom credentials. All notices of hearing will contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **Submission Deadlines:** The Court must receive all materials for the hearing no later than three (3) business days before the hearing.
- **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 court 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).
- **Cancelling Hearings:** Only the party setting a hearing may cancel it. Notification of cancellation must be emailed to the Judicial Assistant with a copy to opposing counsel. Cancellation of a hearing **MUST** be confirmed with and by the Judicial Assistant.
- **Ex Parte:** Ex Parte proceedings will take place on Wednesdays from 9:00-10:00 a.m. These 5-10 minute hearings are scheduled with the Judicial Assistant for a date certain for the following matters:
  - a. Uncontested dissolution cases
  - b. Motions to Withdraw (requires proper advanced notice to client and should contain the client's full name, address, email address, and phone number)Please note: The Court does not conduct adoption hearings or hear default final hearings ex parte.
- **Uncontested Final Hearings (DOM):** These hearings are permitted to take place in person or via Zoom at ex parte.

If appearing by Zoom, both the attorney and testifying party must have a stable internet connection and understand how to manage the audio and

video parameters of Zoom. The hearing will not go forward if the parties are not able to properly connect to and use Zoom.

If there are minor children of the parties, both parents must have completed an authorized parenting course and filed the certificate, pursuant to Fla. Stat. §61.21.

In cases where the parties will be exercising shared parental responsibility, the Parenting Plan must include language in compliance with Fla. Stat. 61.13(2)(b)3.a.

Prior to a hearing on an uncontested dissolution of marriage, one party must provide the following to the Judicial Assistant via email: (1) a checklist for entry of the consent final judgment, (2) proper proof of residency, and (3) the signed Consent Final Judgment (in PDF or Word format). A copy of the checklist can be found at [jud4.org](http://jud4.org) and <https://clayclerk.com/judges>.

- **Service by Publication:** A diligent search affidavit must be filed if a party was served by publication. It must include at least the following searches: (1) United States Postal Service; (2) Internet Search; (3) Department of Motor Vehicles; (4) Department of Corrections; and (5) Letters to Armed Forces of the United States. Fla. Stat. §63.088.

## **C. 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. Requests to use communication technology for an appearance must be made by motion.
- **Platform Used:** The Court uses Zoom for remote appearances.
- **Platform Meeting ID#:** Zoom Meeting ID#: 565 365 4043
- **Requirements:** The parties must have a stable internet connection and be able to work the audio and video portions of Zoom, or the hearing may not proceed.
- **Decorum:** Anyone who appears by Zoom is expected to wear courtroom attire, to have an appropriate background or surroundings, to behave civilly and respectfully to all parties, and to understand how to work Zoom. Failure to maintain these standards may result in the hearing being rescheduled and the offending party being required to appear in person.

- **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.

## D. Submission of Orders and Judgments

- **Format:** Consent orders signed by all parties shall be submitted in PDF format. All other 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 and, where applicable, contain the signatures of the parties.
- **Proposed Orders:** Do not send a Proposed Order until the Motion appears on the docket. The attorney preparing the Proposed Order shall provide an advance copy to opposing counsel.
- **Titling Orders:** Always designate the title of the particular motion heard, such as "Order Denying Wife's Motion to Dismiss," Etc.
- **Submission Method:** Proposed orders must be submitted to the Court via e-mail with copies to all parties or through the e-portal with copies to all parties. Assistance with e-filing can be found at <https://www.jud4.org/proposed-orders-efiling>
- **Deadline for Submissions:** Proposed orders must be submitted within ten (10) days after any hearing.

## E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of ***citations*** to relevant case law, Rules, and Statutes must be submitted to the Court for any evidentiary proceeding. **It is not necessary to submit the full documents, just the citations.**
- **Deadline for Submissions:** Courtesy copies must be delivered to the Court at least three (3) days prior to the hearing with copies provided to all other parties at the same time.

## **F. Emergencies 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 on the docket: (1) the issues to be resolved; (2) reasons why an emergency hearing is necessary; (3) the amount of time needed for each party's presentation; and (4) the law upon which the motion is grounded. A courtesy copy of the Motion must be provided to the Court for review.
- **Scheduling:** If the Court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.
- **Ex Parte Emergency Hearing:** 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.

## **G. Exhibits for Evidentiary Proceedings**

- **Submission Method:** Submit exhibits of less than twenty-five (25) pages electronically by e-mail to the Judicial Assistant. If the exhibits total more than twenty-five (25) pages, submit a hard copy to the Court in a binder.
- **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.
- **Exhibits:** A completed Exhibit List form must accompany your exhibits. Exhibits must be properly indexed with numbers/letters or they may be returned to you. The Exhibit List template is available at [jud4.org](http://jud4.org) and <https://clayclerk.com/judges>.

## **H. Pretrial Procedures and Conferences**

- **Temporary Needs:** All Temporary Needs **must** be scheduled with the General Magistrate. You **must** contact the General Magistrate's Office directly for scheduling at [magistrate@clayclerk.com](mailto:magistrate@clayclerk.com) or 904-269-6302.

- **Objections to Magistrate/Hearing Officer:** 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. **If a party objects to the Magistrate, the matter will be set unilaterally by the Court, and the parties will be expected to avail themselves.**
- **Status Conference:** Any party may request a status conference when a case requires. Any request for a status conference must articulate the reasons for the necessity of the conference. If the Court agrees that a status conference is required, the moving party may schedule the status conference by emailing the Judicial Assistant.
- **Scheduling Hearings Less than One (1) Hour:** To request a hearing date please submit your request via e-mail to the Judicial Assistant. The hearing request must include: (1) Opposing counsel on the email chain; (2) The Clay County case style and case number; (3) A courtesy copy of the motion and reference to the docket number. (The Motion must be filed prior to requesting a hearing.) (4) The length of time needed.

Proposed hearing dates & times will be provided for you to coordinate with the opposing party.

No additional motions will be added to a previously scheduled hearing without prior approval by the Court. Unilaterally (without the Court's permission) adding a motion to an already scheduled hearing is not permissible and the added motion will not be heard.

- **Scheduling Hearings Greater than One (1) Hour:** The Judicial Assistant will coordinate hearings greater than one (1) hour after receiving approval from the Judge. The moving party will prepare the notice of hearing once a date and time are agreed upon. The parties will be expected to appear in person. If witnesses will appear via Zoom, the parties are expected to inform the Judicial Assistant of such when the hearing is scheduled.

**Please note:** If the parties cannot agree upon a date and time for the hearing, the Court will unilaterally set the date and time for the hearing, and the parties will be expected to avail themselves.

- **Putting Children First in Divorce Course**

Section 61.21, Florida Statutes and Administrative Orders issued in the Fourth Judicial Circuit require that parents who are parties to a dissolution of marriage action with minor children or a paternity action

complete a four-hour parenting course.

The parties are required to file the Certificate of Completion in the Court file **before** the entry of a Final Judgment. Failure to complete the course may result in a delay in entry of the final judgment.

- **Motions to Compel**

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.**

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

- **Motions for Rehearing/Reconsideration**

Motions for rehearing and/or reconsideration must be filed with the Clerk and a copy e-served to the Judicial Assistant. 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 Judicial Assistant will contact the parties to schedule a hearing. The moving party will then notice the hearing.

**I. Setting Case for Trial:** The parties are to complete and submit a Trial Set Memo to the Judicial Assistant, complete with docket numbers, when setting trial. This is found at [jud4.org](http://jud4.org) and <https://clayclerk.com/judges>. The Court will prepare the Order Setting Case for Trial. This Order will include a date for Status Conference and Pretrial Conference. Please note that Status Conferences are held on Wednesdays sixty (60) days prior to trial and Pretrial Conferences thirty (30) days prior to trial and will be conducted by Zoom. The parties must appear with their attorneys for the pretrial conference.

Status Conference, Final Pretrial, and Trial week schedules are available on the Court's website at [jud4.org](http://jud4.org) and <https://clayclerk.com/judges>. In setting a case for trial, the parties are representing to the Court that counsel expects to be available that week for trial and, further that the trial week selected is in substantial compliance with the case time standards.

Please note: Mediation must be completed prior to setting a case for trial.

Pretrial Stipulations are required to be submitted to the Court three (3) days



prior to the pretrial conference. A template for the Pretrial Stipulation is available at [jud4.org](http://jud4.org) and <https://clayclerk.com/judges>.

If the case settles, the parties shall immediately notify the Court, in writing, so that it may be removed from the trial calendar.

## **J. Forms**

- **Access:** Division forms are available at [jud4.org](http://jud4.org) and <https://clayclerk.com/judges>.
- **Usage:** Division forms must be used for all relevant filings.
- **E-File form:** <https://www.jud4.org/proposed-orders-e-filing> or <https://clayclerk.com/judges>.

## **K. 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 [CRTINTRP@coj.net](mailto:CRTINTRP@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](mailto:crtintrap@coj.net) or by telephone at (904)255-1010. Please visit [Jud4.org - Request for Interpreters](#) for more information.