

Judge Russell L. Healey
Division FM-B
Hearing Room 711
Becci Powell, Judicial Assistant
bpowell@coj.net
Phone: (904) 255-1324

Judicial Practices and Procedures

A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to bpowell@coj.net. The subject line of the email must contain the case number, case name, and relevant matter (e.g., 2024 DR 001234 – Doe v. Doe - 2-Hour Hearing Requested). All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.
- **Self-represented Parties:** Self-represented parties must communicate with the Court through their assigned case manager (<https://www.jud4.org/family-court-services/self-help/staff-information>). Self-represented parties are not permitted to contact the Court's Judicial Assistant unless such contact is requested by the Judicial Assistant. Judicial Assistants are not authorized to provide legal advice.
- **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.
- **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.
- **Out of the Office Notification:** If the Judicial Assistant is out of the office for more than a day, an automatic reply will be sent to all received emails providing further instruction for the emailed request.

B. Scheduling Procedures

- **Court Schedule:** Ex Parte dates, a trial set memo, and available trial dates are posted on each Judge's webpage at <https://www.jud4.org/ex-parte-dates-judge-s-procedures/duval-judges>.

- **Ex Parte Hearings:** Include only uncontested dissolution cases. Please contact the Court's Judicial Assistant via email to schedule an ex-parte hearing. The Ex Parte schedule is posted at <https://www.jud4.org/ex-parte-dates-judge-s-procedures/duval-judges>. Prior to an uncontested final hearing, one party must provide the following: (1) a completed checklist for entry of the Consent Final Judgment, (2) proper proof of Florida residency, and (3) a copy of the signed Consent Final Judgment. A copy of the checklist can be found at <https://www.jud4.org/ex-parte-dates-judge-s-procedures/duval-judges>.
- **Scheduling Hearings:** Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel or opposing party if self-represented. An attorney requesting a hearing shall contact the Court's Judicial Assistant with any other attorney copied on the email. The dates and times provided by the Judicial Assistant for hearings are not held open and may be used for other cases. All counsel and self-represented parties should promptly respond to the moving party's attorney 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.
- **Setting Hearings Less Than One Hour in Duration:** Hearings lasting one hour or less may be set by contacting the Judicial Assistant. Please copy the opposing side on the email and include the case number, the title of the motion to be heard, and the amount of time necessary for the hearing.
- **Default Final Hearings:** Default Final Hearings must be coordinated with the Judicial Assistant. Default Final Hearings will not be heard during ex parte. The party seeking the default judgment must have filed proof of service, or an affidavit of diligent search and publication, prior to the hearing. The opposing party(s) must be noticed for all default final hearings.
- **Service by Publication:** Cases wherein the Respondent has been served by publication must include an affidavit of diligent search, pursuant to Family Law Form 12.913(b) (for dissolution cases) or 12.913(c) (for paternity cases).
- **Temporary Needs Hearing Information:** 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 9:00 a.m. and 4:00 p.m. to schedule temporary needs and/or post judgment hearings before the Magistrates.
- **Duty to Meet and Confer:** Parties shall meet and confer prior to the filing of all motions. In the event that a hearing is required, the party filing the motion(s) shall indicate that the parties met and conferred, and no resolution was reached or that the other party was unable to be contacted after due diligence, listing all attempts to contact the opposing party(s).

- **Motions for Contempt:** All proceedings seeking to hold an opposing party in contempt of Court shall be held in person. Pursuant to Rule 12.615(b), the notice of hearing must contain the following language: "FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD."
- **Motions to Compel:** Before filing a Motion to Compel pursuant to Rule 1.380 or Rule 12.380, the moving party must fully comply with First Administrative Order 88-2.
- **Adoptions:** The Court does not hear adoptions during ex parte. Adoption hearings must be coordinated with the Judicial Assistant.
- **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 Zoom link which attorneys must provide to the Court. All notices of hearing will contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **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/party. Cancellation of a hearing MUST be confirmed with and by the Judicial Assistant.

C. Setting Case for Trial

- **Procedure:** Motions to set a trial and motions to set hearings lasting more than one hour shall be set with the Court during normal calendar. Jointly the attorneys must: (1) coordinate a date and time certain with the Judicial Assistant for the hearing, (2) serve the Notice of Hearing on all parties (out-of-town attorneys may appear by zoom by requesting to do so), and (3) complete and submit to the Judicial Assistant the Trial Set Memorandum Form found on the web at <https://www.jud4.org/ex-parte-dates-judge-s-procedures/duval-judges>. The Trial Set Memorandum, along with available trial dates, are posted elsewhere on the Judge's webpage. The parties shall complete the form and submit it as an e-mail attachment to the Judicial Assistant at least 7 days prior to the hearing. If the case is settled, the parties shall immediately notify the Court, in writing, so that it may be removed from the trial calendar.

D. Prohibition of Recordings: Pursuant to Fourth Judicial Circuit Amended Administrative Order (AO) No. 2018-11 and AO No. 2020-12 the recording of any judicial proceeding, whether in-person or via videoconference, is strictly prohibited, unless expressly authorized by the Court.

E. Motions for Rehearing: Motions for rehearing and/or reconsideration must be filed with the Clerk and e-served to the Judicial Assistant. The Judge will review the motion and either issue an Order or the Judicial Assistant will schedule a hearing.

- **Remote Appearances:** The Duval County Courthouse has hybrid courtrooms, allowing parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. The Court uses Zoom for remote appearances. Counsel must submit a request for remote appearance to the Court no later than five (5) days prior to the scheduled hearing.
- **Technology Needs:** The Court allows parties to use technology in trial and hearing presentations. Counsel is/are 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> to coordinate any technological issues in advance of the trial or hearing.

F. Submission of Orders and Judgments:

- **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.
- The title of proposed Orders shall designate the particular motion heard, such as "Order Denying Wife's Motion to Dismiss" or "Order Granting Husband's Motion for Contempt," etc. The date of the proceeding should be included in the first paragraph of the proposed order. The DONE AND ORDERED clause, along with the Court's signature line, shall be on the same page.
- **Submission Method:** Proposed Orders must be submitted through the e-portal unless your Order falls under one of the exceptions below. Instructions on how to submit proposed orders through the e-portal are found at jud4.org, from the home page, select Proposed Order E-filing where you can find Procedure for submitting proposed orders in the Fourth Circuit. **The only exceptions to filing in the e-portal, and that may be emailed to the judicial assistant, bpowell@coj.net, are as follows:**

1. If Judge Healey specifically instructs a party to email the order;
2. Orders that contain Exhibits that are in pdf format;
3. Orders/Judgments to be reviewed and entered during ex parte.

- **Deadline for Submissions:** Unless otherwise provided by the Court, all proposed Orders must be submitted within seven (7) business days of the proceeding.
- **Other Procedures Relating to Submission of Orders and Judgments:** If the two sides are unable to agree on the contents of the proposed Order/Judgment, then each side may submit their proposed Order/Judgment to the Court.

G. Emergency 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.
- **Scheduling:** If the Court determines that an emergency exists, a hearing will be scheduled by the Court. All parties shall make themselves available for the hearing, barring exigent circumstances. All such motions must be verified/sworn by the movant & signed by counsel, if applicable. Emergency motions should be emailed to the Judicial Assistant or delivered to the Judge's chambers for review. There shall be no ex parte communication outside the motion concerning this request. After the Judge has reviewed the motion, the Judicial Assistant will contact the moving party regarding the Judge's decision. Should the Judge be out of the office, please follow local rules of procedure by contacting the next division in alphabetical order.

H. Exhibits and Courtesy Copies

- **Submission Method:** Any submissions 25 pages or less should be submitted via email for hearings being conducted via Zoom. Any submissions exceeding 25 pages should be hand-delivered to the Court, by dropping off documents at the 7th floor reception area OR in the designated cart in the Courthouse lobby.
- All submissions must be provided to the Court at least three (3) business days before the hearing/trial. The opposing party or counsel should receive anything provided to the Court.
- **Format:** Documentary exhibits must be submitted in paper format. Recordings must be submitted via a thumb drive. Attorneys and self-represented litigants

must provide sufficient copies of each exhibit for the clerk, the Court, and each party to review during the hearing or trial. All exhibits must be tabbed, Bates stamped, and pre-marked in the following format:

Case No. 2020-DR-22222 FMXX
Petitioner/Respondent's Exhibit No. A
Admitted as Exhibit _____
Date admitted 10/1/2020

I. Forms

- **Access:** Division forms are available at <https://www.jud4.org/ex-parte-dates-judge-s-procedures/duval-judges>. Division forms must be used for all relevant filings.

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, 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](#) to access the form. 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 Interpreter Program is dedicated to providing qualified interpreters to non-English speaking parties 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 days before the service, or immediately upon receiving notification if the time before the needed service is less than seven days. If you are hearing or voice impaired, call 711 for the Telecommunications Relay Service. Requests for interpreter services (foreign language and sign language) should be directed to the Court Interpreter Program Manager. Please visit [Jud4.org - Request for Interpreters](#) for more information.