

# Judicial Practices and Procedures

(last modified December 11, 2025)

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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 **fgiannini@coj.net**. 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.

- **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. The Judicial Assistant will respond to all emails within 24 hours. Should the Judicial Assistant be out of the office there will be an automatic response with instructions on who to contact in case of an emergency.
- **Communication Procedures:** Email is the preferred method of communication.

## **B. Scheduling Procedures**

- **Court Schedule:** The trial set memoranda, along with available trial dates, are posted on the Judge's webpage at [jud4.org/ex-parte-procedures-and-dates](http://jud4.org/ex-parte-procedures-and-dates).
- **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 with all other parties on the line or by email at **fgiannni@coj.net**. 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.
- **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 ZOOM information. **It up to the attorneys to provide said ZOOM information to the Judge's office and opposing counsel/parties.** 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 **seven (7) business days before the hearing.**
- **Order of Proceedings:** Matters will be heard in the order they appear on the docket.
- **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:** All Ex Parte hearings are scheduled with the Judicial Assistant. This is always done between 9:30 to 10:30 a.m. on certain dates of every month. The schedule is located on the website (<http://www.jud4.org/Ex-Parte-Proceduresand-Dates.aspx>).
- Once the hearing date has been confirmed, **parties to confer and provide the Court with Zoom ID information one week prior to or earlier to the hearing date.** Please provide a courtesy copy of the Notice of Hearing to the Judicial Assistant, along with any necessary documents (i.e., Final Hearing Checklist, driver's license, proposed Consent Final Judgment, etc.) at least seven (7) days prior to the scheduled hearing.
- **SETTING A CASE FOR TRIAL:** Motions to Set for Trial and Motion to Set Hearings for greater than one (1) hour are set for a time certain during regular calendar. Motions to Set are NOT heard during Ex Parte.
  1. File a Motion to Set Case for Trial/Hearing.
  2. Complete the Trial Memorandum Form in advance of the Motion to Set hearing, it is located on the website (<http://www.jud4.org/Ex-Parte-Proceduresand-Dates.aspx>) or is available in the Judge's hearing room.
  3. Contact the Judicial Assistant for a 15-minute hearing on the Motion to Set.
  4. Upon completion of the Motion to Set hearing, the Judicial Assistant will prepare the Order Setting Case for Non-Jury Trial and Pretrial Conference or the Order Setting Case for Hearing.

When a case **SETTLES** prior to the pre-trial or trial date, **PLEASE, IMMEDIATELY** contact the Judge's office to remove the pre-trial and trial from

the calendar.

- **SETTING HEARINGS:** Hearings may be set by contacting the Judicial Assistant by email. The Judicial Assistant will not resolve disputes regarding when a motion will be set. Do not send courtesy copies of the motion but do provide the Judicial Assistant the case docket number for the motion.
- **DURATION TIMES FOR A HEARING:** Motion hearings may be scheduled on either morning or afternoon calendars, commencing from 10:30 a.m. to 12:00 noon and 1:00 to 4:00 p.m. Hearings that require more than one (1) hour of time must be approved by the Court and are set for a time certain during regular calendar.
- **EMERGENCY MOTIONS/MOTIONS FOR REHEARING/MOTIONS FOR NEW TRIAL:** The original motion must be filed with the Clerk. The Court requires a copy for review to be delivered to the office either by hand delivery or email. Each request will be reviewed by the Court to determine whether it is deemed an emergency. The Judicial Assistant will contact the parties or attorney(s) to set a hearing, as necessary.
- **COURTESY COPIES:** Courtesy copies of memoranda should be delivered to the Judge's office at least two (2) days before a scheduled hearing on the matter. Attorneys shall only send memoranda to the Judge that has been served on opposing party or attorney, and delivered in the same manner as to the Judge. Memoranda may be delivered to the Judge via his Judicial Assistant's email **fgiannini@coj.net** and opposing party or attorney by email, mail or by hand. Do not send courtesy copies of motions or anything pertaining to the motion hearing.
- **MOTION TO COMPEL:**

1. 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 of the motion, a statement certifying that the moving attorney or party has so conferred with opposing party or attorney and that they have been unable to resolve the dispute.

2. When a motion has been placed on a Judge's calendar, that motion may not be cancelled without the Judge's consent.

3. As provided in Section (4) of rule 1.380, if the motion is granted, the Court shall award expenses which may include attorney's fees.

### **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#: The attorney must provide ZOOM information to our office.**
- **Requirements:** Counsel must submit a request for remote appearance to the Court no later than five (5) days prior to the hearing.
- **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:** 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.
- **Submission Method:** Proposed orders must be submitted to the Court via e-mail with copies to all parties.
- The attorney preparing a proposed Order subsequent to a hearing shall provide an advance copy to opposing counsel. The cover letter to be used and sent to opposing party or attorney is provided on the website (<http://www.jud4.org/Ex-ParteProcedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.

- The proposed Order should then be submitted to the Court. The cover letter to the Judge is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-andDates.aspx>) under Letters for Attorneys Submitting Orders.
- When entitling proposed Orders always designate the particular motion heard, such as “Order Denying Wife’s Motion to Dismiss” or “Order Granting Husband’s Motion for Contempt,” etc. Consent Orders shall contain the word “Consent” at the beginning of the caption.
- The **DONE AND ORDERED** clause, along with the Court’s signature line, should be on the same page. If the last page contains only the date line and/or Judge’s signature line it must have the title of the Order and the case number on it also.
- Full names and complete addresses of counsel/parties to whom copies are to be provided should be included on the last page.
- Should the Court request complex Orders to be submitted via email, they need to be formatted in Word.
- The signature line and the day, month and year of the Order shall all be located on the right border of the page.
- If **ALL** parties/entities are on e-service, the cover letter and proposed Order may be emailed to the Judicial Assistant
- **Deadline for Submissions:** Proposed orders must be submitted within seven (7) days after any hearing.

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

- **When Required:** Courtesy copies of case law must be submitted to the Court for any evidentiary proceeding.
- **Format:** PDF or Word document.
- **Submission Method:** Courtesy copies shall be submitted via electronic submission. If voluminous, parties must place courtesy copies on a flash drive and deliver to the Court with permission for the Court to destroy because these copies have been filed with the Clerk.
- **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.

- **Exhibits:** Exhibits must be delivered to the Court at least three (3) business days before the hearing/trial. If the exhibits are under 30 pages, same may be emailed to the judicial assistant at least **three (3) business days before the hearing/trial**.

## **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.
- **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.

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

- **Submission Method:** Submit all exhibits electronically by e-mail to the division e-mail account.
- **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.

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

- **Status Conference:** Any party may request a status conference when a case requires.
- **Requirements:** Any request for a status conference must articulate the reasons for the necessity of the conference.
- **Scheduling:** If the Court agrees that a status conference is required, the moving party may schedule the status conference by emailing the Judicial Assistant.

## **I. Setting Case for Trial**

- **Procedure:** Setting cases for trial will be done through e-mail. The Trial Set Memoranda, along with available trial dates, are posted on the Judge's webpage at [jud4.org/ex-parte-procedures-and-dates](http://jud4.org/ex-parte-procedures-and-dates). The parties shall complete all information in the form, including the desired mediator and trial date, and submit it as an e-mail attachment to the judge's Judicial Assistant along with the Motion to Set Trial. Any disagreements on mediators or trial dates shall be included in the email along with each party's recommendation.
  - Trial week schedules are available on the Court's website. In submitting proposed trial weeks, 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. Should the parties not submit Trial Set Memoranda, the trial schedule set forth in the initial Case Management Order will be adopted by the Court and the Court will select a mediator for the parties. In either event, the Court will then e-file the Trial Order.
  - Motions to Set are scheduled with the Judicial Assistant for a date and time certain. Motions to Set are NOT heard during Ex Parte.
    1. File a Motion to Set Case for Trial/Hearing.
    2. Complete the Trial Memorandum Form in advance of the Motion to Set hearing, it is located on the website (<http://www.jud4.org/ExParte-Procedures-and-Dates.aspx>) or is available in the Judge's hearing room.
    3. Contact the Judicial Assistant for a 15-minute hearing on the Motion to Set.
    4. Upon completion of the Motion to Set hearing, the Judicial Assistant will prepare the Order Setting Case for Non-Jury Trial and Pretrial Conference or the Order Setting Case for Hearing.
- 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: [www.jud4.org](http://www.jud4.org) under the Ex Parte Dates and Judge's Procedures.
- **Usage:** Division forms must be used for all relevant filings.

## 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](http://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, [crtintrp@coj.net](mailto:crtintrp@coj.net) or by telephone at (904)255-1010. Please visit [Jud4.org - Request for Interpreters](http://Jud4.org - Request for Interpreters) for more information.