

Honorable James E. Kallaher

Fourth Judicial Circuit Court of the State of Florida

Judge William A. Wilkes Judicial Complex
(Clay County Courthouse)
825 North Orange Avenue
Green Cove Springs, FL 32043
Hearing Room 4-077

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POLICIES AND PROCEDURES

Division B -CIVIL (civil, probate and guardianship)

(Updated May 2026)

- **CASE MANAGEMENT ORDERS**

Projected Trial Period: The Court, on its own initiative, for all cases that Rule 1.200 applies to, will enter an initial case management order fixing a projecting trial date, pretrial conference date, and specifying no less than the projected pretrial deadlines required in Rule 1.200(d)(2) (A-I), Fla. R. Civ. P.

Case Management Conferences: The Court, on its own initiative, for all cases that Rule 1.200 applies to, will enter an initial case management order scheduling a Case Management Conference. If the parties agree that the CMC is not necessary, they may request to be excused by emailing the Court's Judicial Assistant a completed Division F Trial Set Memorandum and accepting the projected trial date. If the parties are not excused from the CMC, they will be required to appear in person on the scheduled date and time. These conferences will not be rescheduled, and remote appearances will not be permitted.

- **SETTING HEARINGS**

Scheduling: All scheduling is conducted by email (brewerm@clayclerk.com). Motions must appear on Clerk's docket prior to requesting hearing time. Clerk's docket number required. The party requesting the hearing shall email the Court's Judicial Assistant and copy the assistant(s) for opposing counsel, or the pro se parties, and must provide the case number, the motion(s) to be set for hearing, corresponding docket number(s), and how much time is being requested.

Prospective dates are provided for counsel to coordinate and are not held or guaranteed until a confirmation email is received. Please do not file a notice of hearing until hearing confirmation is provided.

Non-Evidentiary Hearings 30 Minutes or Less – Appearance Options: For non-evidentiary hearings scheduled for thirty (30) minutes or less, counsel shall typically be permitted to appear in-person or via Zoom, regardless of whether they are local or out-of-town pursuant to Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin. **DO NOT SET HEARINGS FOR 30 MINUTES OR LESS FOR MATTERS THAT WILL REQUIRE MORE THAN 30 MINUTES IN AN EFFORT TO SECURE A SOONER HEARING DATE OR A REMOTE APPEARANCE.**

Non-Evidentiary Hearings Greater than 30 Minutes – Communication Technology: Should counsel desire to attend a non-evidentiary hearing scheduled for **more than thirty (30) minutes** via telephone or Zoom, counsel must seek leave of Court by filing a written Motion and providing a courtesy copy of the Motion setting forth good cause to grant the Motion pursuant to Rule 2.530, Fla. R Gen. Prac. & Jud. Admin. and proposed consent Order to the Court via electronic mail.

Evidentiary Hearing – Communication Technology: Should counsel desire to participate in an evidentiary hearing and present testimony through Zoom or other communication technology, regardless of the duration of the hearing, counsel must seek leave of Court by filing a written motion setting forth good cause to grant the motion pursuant to Rule 2.530(b)(2), Fla. R Gen. Prac. & Jud. Admin. and providing a courtesy copy of the Motion and a proposed Consent Order to the Court via electronic mail.

Hearing Notebooks, Legal Memorandums, and Citations: Any hearing notebooks, legal memorandums or briefs, along with hard copies of the significant cited authorities, must be provided to the Court at least three (3) business days before the hearing, or immediately if the hearing is scheduled within that time period. Such item(s) are to be hand delivered with a cover letter or mailed with a cover letter. Please be sure to provide all opposing counsel with the same cover letter and item(s). The Court will attempt to review the motion(s) and the memorandums, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered.

Meet and Confer Requirement Prior to Scheduling a Hearing on the Motion: A mandatory meet and confer process is hereby established as set forth below, for all motions to be *set for hearing* in Circuit Civil Division B and to occur before scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; default, default final judgment, default summary judgment; summary judgment; or to permit maintenance of a class action.

(i) Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion and include a Certificate of Conferral Prior to Scheduling Motion for Hearing that the conference has occurred with the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

(ii) The term “confer” requires a substantive conversation in person, by telephone, or by communication technology in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, email or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.

(iii) Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If

counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Conferral Prior to Scheduling the Motion for Hearing the dates and times of the efforts made to contact opposing counsel.

(iv) Counsel must file with the Notice of Hearing a “Certificate of Conferral Prior to Scheduling the Motion for Hearing” certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained. The Court will accept a certificate 4 of conferral substantially in the form provided in Exhibit “A”, either First Option or Second Option, attached to these “Policies and Procedures” set forth directly above the signature block of the Notice of Hearing for the motion. For the convenience of counsel preparing the Notice of Hearing, the Court has provided Exhibit “A” attached to these “Policies and Procedures” together with the same template certificate of conferral in Word format published on the Court’s website for counsel to edit and insert above this signature block of the Notice of Hearing.

(v) Counsel who notices the hearing shall ensure that the Court and the Court’s Judicial Assistant are aware of any narrowing of the issues or other resolution as a result of the conference.

(vi) Failure to make a good-faith effort to resolve the issues raised in the motion before scheduling a hearing on the motion may, in the Court’s discretion, result in the hearing being canceled, the motion stricken from the Court’s calendar or denied, the imposition of sanctions, and/or the denial of any monetary or non-monetary sanctions requested by movant in the motion. The Court may waive this good-faith effort requirement under appropriate circumstances.

- **REUQUEST FOR EMERGENCY HEARING:**

The Court will decide whether the reasons set forth in the motion for emergency hearing and/or the allegations contained in the motion constitute an actual emergency. If the Court determines that the motion does allege an actual emergency, it will take whatever action deemed appropriate, including entry of an *ex parte* order if permissible by law.

- **CANCELLATION OF HEARING:**

When cancelling a hearing, you may email the Judicial Assistant and copy opposing counsel notifying the Judicial Assistant of the cancellation.

DO NOT assume the hearing is automatically removed from the Court's calendar. If you do not receive an email confirming the cancellation, please try contacting the Judicial Assistant again. **A Notice of Cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. Cancellation of a hearing MUST be confirmed with and by the Court.**

Motion to Compel require strict compliance with First Amened Administrative Order No. 88-2. Motions to Compel hearings **will not be cancelled** once set on the calendar.

- **SETTLEMENT OR DISMISSAL OF CASES:**

If a case settles or is voluntarily dismissed, please provide the Court's Judicial Assistant with a courtesy copy of an e-filed Notice of Settlement or Dismissal immediately by email to allow the Court to free up hearing/trial time for other cases. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement.

- **PROPOSED ORDERS FOLLOWING A HEARING:**

If counsel is asked to prepare an order, the order should be drafted and circulated to opposing counsel within three (3) working days and must be submitted to the Court within seven (7) days of the hearing, with a copy to opposing counsel. **Proposed Orders are to be submitted to the Court via the e-Portal.**

Electronic Signing. Orders are electronically signed and should be submitted to the Court in Word format. Consent judgments signed by the parties may be sent in .pdf. Orders should contain one signature line for Judge's electronic signature (no other signature lines). Cover letters should be scanned as separate documents.

- **PROPOSED AGREED OR CONSENT ORDERS, OR ORDERS ON MOTIONS NOT OBJECTED TO, WITHOUT A HEARING:**

Proposed agreed or consent orders, or orders on motions not objected to, without a hearing may be submitted to the Court with a cover letter, which must be copied to all opposing counsel/unrepresented parties. A courtesy copy of the motion, joint stipulation, etc. related to the proposed Order must be provided. The letter must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether opposing counsel/unrepresented party agrees with the language of the proposed Order. The service list on the Order must contain e-filing addresses for opposing counsel/unrepresented parties.

All Substitutions of Counsel, even if they are within the same firm, must include the client's written signature indicating knowledge and consent.

- **PROBATE, MENTAL HEALTH AND GUARDIANSHIP ORDERS:**

Effective 3-1-22, all proposed orders for Probate, Mental Health and Guardianship cases must be submitted directly to the Judge's queue through the Florida E-Filing Portal (filed different than a motion). Filer must submit both a cover letter in PDF format and a proposed order in Word format. If you would like to submit a courtesy copy of your motion, it must be submitted as an additional page(s) to the PDF cover letter resulting in one single PDF document. In **Probate cases**, if a will or other document has been deposited separately with the Clerk of Court, the Petition for Administration must include language indicating that the documents have been deposited and provide the case number assigned to the deposit. In **Guardianship cases**, parties **shall not** submit a Proposed Order Approving Annual Plan or a Proposed Order Approving Accounting **until after** the Report of Clerk has been finalized and docketed.

- **PRO SE LITIGANTS:**

The Court is not permitted to communicate with parties outside of a hearing. The Court is unable to consider ex parte communication. Requests for relief must be in the form of a motion or pleading and filed with the Clerk. The parties must also copy opposing counsel on any emails, correspondence and pleadings filed with the Court, without which the inquiry may not be considered. The Court is prohibited from providing any party to a case with advice as to how to proceed or the rules of evidence or procedure. Pro Se parties may wish to contact an attorney, Legal Aid or Family Court Services to discuss any questions or concerns. **Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C), all pro se parties must serve a designation of a primary email address and may obtain a form to do so from the Clerk of Court.**

Pro Se Parties/Mailing Orders: If a party has not filed a Notice of Designation of Email Address, the Court cannot e-serve the party as the sole means of service. The order's certificate should reflect "Counsel to mail copies to:" and counsel shall mail copies of the conformed order to the parties.

- **EX PARTE PERSONAL COMMUNICATIONS/CORRESPONDENCE:**

The Court **WILL NOT** engage in nor accept any ex-parte personal communications or correspondence on a case. If you have a matter to bring to the Court's attention, please file the proper motion with the Clerk of Court and copy all parties and/or counsel in the case with said motion.