

# **JUDGE LESTER BASS**

## **DIVISION C PROCEDURES**

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## **NOTICE TO THE PUBLIC**

The Code of Conduct governing behavior by judges forbids Judges from discussing pending cases with the public. Please do not call the Court expecting to speak with a Judge about any case. The Court is only allowed to consider arguments made in the courtroom and in documents properly filed by parties in the case as authorized by law and the Rules of Court. The Court cannot ethically read or consider any other opinions or arguments about the case. Communications that do not meet these legal requirements cannot be forwarded to the Judge.

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## **Communications with the Judicial Office**

- All communications to the judicial office must be submitted by e-mail to [acollie@coj.net](mailto:acollie@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.

**Cancellation of Hearings/Trials** A Motion must be filed. Please send a courtesy copy to the JA via email. The JA will confirm whether or not the hearing will be removed from the calendar, then you may file a Notice of Cancellation.

## **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 [acollie@coj.net](mailto:acollie@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 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.
- **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.

**Setting a Case for Trial** Motions to Set for Trial are heard during Ex Parte. Mediation shall be scheduled, but preferably completed (unless excused by the Court) prior to scheduling of trial. A Motion to Set must be filed. Coordination with opposing party or attorney to select an ex parte date which is convenient for all parties must be done. A Notice of Hearing on the Motion to Set must be filed. A Trial Set Memorandum must be completed and emailed to the Judicial assistant according to the Ex Parte Procedures posted separately. The Court will file the trial order.

## **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#: 916 6251 7934 Password: 254640
- **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.

## **Proposed Orders**

### **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.

- **Deadline for Submissions:** Proposed orders must be submitted within ten (10) days after any hearing unless otherwise specified by the Court.

**[Other Procedures Relating to Submission of Orders and Judgments]:**

1. 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 should contact the word “**Consent**” or “**Agreed**” at the beginning of the caption. Amended orders should include a footnote detailing the reason(s) for the amendment.
2. Proposed orders arising from a hearing should then be submitted to the Court no sooner than forty-eight hours after the proposed order has been provided to opposing counsel, absent all parties approving the form of the order. Proposed orders submitted to the Court shall be accompanied by a standard communication form of the order advising the date of the hearing that gave rise to the proposed order, and the opposing party’s position with regard to the proposed order. In the event the opposing party is not represented by counsel, same shall be stated in the accompanying communication.
3. It is the Court’s preference that proposed orders be submitted via email. The opposing party/counsel should be included in that email. Orders should be properly formatted. Please see below for an example.

DONE AND ORDERED in Nassau County, Florida on this \_\_\_\_\_ day of month, year.

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NAME OF THE JUDGE  
CIRCUIT JUDGE

Copies to:

John Smith, [smith@email.com](mailto:smith@email.com)

Jane Smith, 123 Green Street, City, State, Zip Code

\*\*Please be sure that the DONE and ORDERED section is on the same page as the signature line where the Judge signs. \*\*

4. If counsel submits a proposed order via the e-portal these submission go directly to the Court’s bench viewer (ICMS) for review and entry. The Court

will then e-file the submission and final order directly from the Court's bench viewer should it be approved for signature. The Clerk does not receive the submission until processed by the Court. Instructions on how to submit proposed orders via the e-portal and sample forms can be found at <https://www.jud4.org/Proposed-Orders-EFiling.aspx>. The signature line should be right justified. There is not need to leave any blank spaces before the signature line. Please include the standard "Copies to" section, rather than inserting "CCCC" in place of the parties'/counsel's contact information. The email addresses mailing addresses listed there will be compared to the email addresses checked for service in the Court's bench viewer (ICMS). The correct mailing address for pro se parties that have not designated an email address should be included in the copies to section. Orders that are not properly formatted, or that do not have accurate "copies to" sections, will be rejected. Please see below for an example.

DONE AND ORDERED in Nassau County, Florida on DDDD.

JJJJ

Copies to:

John Smith, [smith@email.com](mailto:smith@email.com)

Jane Smith, 123 Green Street, City, State, Zip Code

\*\*Please be sure that the DONE and ORDERED section is on the same page as the signature line where the Judge signs. \*\*

5. It is preferred that competing proposed orders arising from matters heard by the Court be submitted by email to the JA, and that the proposed orders be in Word format. The submit of the email should contact the case number and last name of the parties, and describe the proposed orders.
6. Please do NOT send proposed orders through the e-portal AND via email. One or the other will be sufficient.

### **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.

**Motions for Rehearing, Reconsideration or For New Trial** Must be emailed to the JA upon filing. Please do not contact the Judge's office to schedule a hearing on these types of motions. The Judge will review the motion and either issue an order, or the JA will contact the parties to schedule a hearing.

**Emergency Motions/Scheduling or Injunctions** (1) Must be a genuine emergency;(2) MUST be filed Clerk of Court, [Rule 1.610&12.610(a)];(3) If seeking ex parte (w/o notice or hrg) you must state an adequate reason why the other party should not be given notice; otherwise (4) due process requires proof of service on the other party;(5) verified/sworn by the movant &signed by counsel;(6) If children are involved (required) a filed UCCJEA has been attached;(7) emergency motion should be emailed or delivered to the judge's chamber's for review;(8) The Motion should be emailed to the JA. The Court will not know that the Motion has been filed otherwise;(9) There shall be no ex parte communication concerning this request and (10) after the Judge has reviewed the action, the judicial assistant will advise: the motion will be granted w/o hrg or notice, denied, granted w/hrg on an emergency basis or for movant to schedule the matter on the next regular calendar date. The Judge expects the attorney(s) to make themselves available until after the ruling of said motion whether it's granted without a hearing, denied without a hearing or a hearing is set on the matter.

**Courtesy Copies and Notices of Hearing** There is no need for courtesy copies, with the exception of emergency motions, motions for rehearing, motions to disqualify/recuse trial judge, petitions for relocation and memorandums of law, and any other filings governed the applicable rules of procedure. Please ensure originals are timely filed with the Clerk of Court. Notices of hearings should include the title, date of filing, and docket number for each motion or pleading noticed.

## **Exhibits for Hearings and/or Trials**

- **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.
- **[Other Procedures Relating to Exhibits for Evidentiary Proceedings]:** Exhibits should be Bates stamped, exchanged in advance of hearings. Please only send exhibits electronically with 30 pages or less. We cannot accept anything in DropBox. Please send as one PDF fil, or as few PDFs as possible, an index should be included, and the exhibits should be easily identifiable. Files containing more than five (5) exhibits should include a cover sheet before each exhibit as they will be printed for the Court's review.

**Continuance of Trial** If an Order Setting Non-Jury trial has been entered and one party requests a continuance, and the continuance is granted, the party requesting the continuance prepares a one page order granting continuance with the new trial week and pre-trial conference date and time providing that all provisions of Court's previous Order Setting Non-Jury trial remain in full force and effect, or that the trial will be reset upon either party's Motion to Set.

## **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, [crtinrp@coj.net](mailto:crtinrp@coj.net) or by telephone at (904)255-1010. Please visit [Jud4.org - Request for Interpreters](#) for more information.
- **Children First in Divorce Course** Administrative orders issued in the Fourth Judicial Circuit (Duval, Clay and Nassau Counties) by the Chief Judge and the Standing Family Law Court Order requires that parents who are parties to a dissolution of marriage action or a paternity action shall promptly complete a four-hour parenting course, such as Putting Children First in Divorce Course (formally Children First in Divorce) offered by Hope Haven (<http://www.hope-haven.org/divorce-counseling>), or a similar qualified program. In Nassau County, one of the approved providers of the similar qualified program, the Parent Education and Family Stabilization Course, is Clearview Concepts. Clearview Concepts is located at 1411 S. 14<sup>th</sup> Street, Fernandina Beach, Florida 32034, and may be contacted at (904) 335-0333. Under some limited circumstances, the Court may approve an online parenting course such as the course offered at <https://onlineparentingprograms.com>. Permission should be sought from the Court before taking an online course to fulfill the requirement to take a four-hour parenting course.

- **Default Final Hearings** Should be coordinated with the Court's JA on the Court's regular calendar. They will not be heard during ex parte. The party seeking the default judgment should provide proof of service or diligent search prior to the hearing. The Court will enter an Order Setting Trial and provide copies of the order to all parties, even those parties in Default for matters involving unliquidated damages and/or child support and timesharing, as required by Rule 12.440, Florida Family Law Rules of Procedure.
- **Adoptions** Petitioners in relative adoption cases are required to set forth in the petition any prior criminal arrests or domestic violence actions to which they have been a party. The Court does not hear adoptions during ex parte. Those matters may be coordinated with the JA. It is not necessary for children to attend final hearings, but they are certainly welcome. The Court will allow pictures to be taken if the parties desire.
- **Motions to Compel or Protective Order** (Non-emergency) Motions to Compel Discovery and Motions for Protective Order must be set on the regular calendar. The Motion MUST contain a certificate at the end of the filed motion, signed by the attorney for the moving party stating that he or she has contacted opposing counsel and has attempted without success to resolve this matter without the necessity of a hearing. Hearings are rarely able to be cancelled even if the requested documents are received. As such, cancellations are considered on a case-by-case basis.
- **Ex Parte** Is ONLY for uncontested matters such as properly noticed motions to withdraw when written consent from the client cannot be obtained, Motions to Set for Trial, and entry of Consent Final Judgment of Dissolution of Marriage. Please refer to Division C Ex Parte Dates and Procedures published separately for further information.
- **General Magistrate** All pro se cases, including cases wherein just one (1) movant is pro se, shall be referred to the Magistrate. Sample orders for referral are published at <https://jud4.org/Ex-Parte-Date-Judge-s-Procedures/Nassau-Judges.aspx>. All pro se cases are scheduled by the Family Court Services Case Manager, Michele Johnson. She can be reached at (904) 548-4908 or by email at [emjohnson@coj.net](mailto:emjohnson@coj.net). Cases wherein at least one (1) party is represented, counsel may reach out to the JA to schedule on the Magistrate's

calendar. For cases wherein both sides are represented, all requests for temporary needs shall be heard by the Judge.

- **FYI:** If child support is to be paid through the State of Florida Disbursement Unit (SFDU), only provide a copy of the order for the Domestic Relations Depository (DRD), none for SFDU. This order will be routed inner-office at the Courthouse. The DRD sets up and modifies all accounts from Final Judgments and/or Orders entered. The SFDU only receives and disburses money.