

Judicial Practices and Procedures

Jennifer Gabbard, Judge

Brandi Paine, Judicial Assistant

Contact Information

Mailing Address: 800 E Twiggs Street, Rm. 514, Tampa, FL 33602

Physical Address: 800 E. Twiggs Street, Courtroom 500, Tampa, FL 33602

Telephone: 813-272-5774

E-mail: circivdivf@fljud13.org

Table of Contents

A. Communications with the Judicial Office.....	1
B. Scheduling Procedures.....	2
C. Remote Appearance	4
D. Submission of Orders and Judgments.....	5
E. Courtesy Copies of Case Law and Other Documents.....	6
F. Emergency and Other Urgent Matters	7
G. Exhibits for Evidentiary Proceedings	7
H. Pretrial Procedures and Conferences	7
I. Setting Case for Trial	10
J. Forms.....	10
K. Other Division Procedures	10

A. Communications with the Judicial Office

Please e-mail the JA at circivdivf@fljud13.org and copy all parties with your message or request. The JA will respond as efficiently as possible.

Please make sure to include the case number and case name in the subject line of the e-mail. ALL E-MAILS MUST COPY THE OPPOSING COUNSEL/OPPOSING PARTY.

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 the 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.

Response to Inquiries: The JA can only answer questions about scheduling and preferences. The JA cannot hear any details of the case and cannot provide legal advice.

B. Scheduling Procedures

Non-Evidentiary Uniform Motion Calendar Hearings (UMC): UMC is a multi-case docket. These hearings are scheduled by the parties through JAWS. Matters can only be scheduled on UMC if they can be heard within 10 minutes, which includes the time necessary for the Court to review properly submitted hearing materials and make a ruling. See Administrative Order S-2024-046, Paragraph 12.

Non-Evidentiary Hearings that are 15, 30 and 60 minutes in length and Evidentiary Hearings that are 60 minutes or less in length are scheduled by the parties through JAWS.

If you schedule an evidentiary hearing in JAWS, you must notify the JA via e-mail at circivdivf@fljud13.org.

All Hearings exceeding one hour must be approved by the Court. To request such a hearing, please e-mail the request to the JA at circivdivf@fljud13.org. You must include the following information:

- Case Number
- Case Name
- Title of the motion or matter for hearing
- Date that the motion or matter for hearing was filed
- The document index number, see the Clerk's Hover System: <https://hover.hillsclerk.com/html/home.html>.
- Indicate whether the motion or matter needs an evidentiary hearing or a non-evidentiary hearing
- Amount of time requested

Case Management Conferences (CMC) may be scheduled during the UMC docket or during one of the “Daily 15” hearing sessions. Parties should include “Case Management Conference” under the hearing description.

Notices of Hearing: See Administrative Order S-2024-046, Paragraph 12(c)(iv) & (v).

In all notices of hearing, please include the following:

- The title of the matter to be heard
- The date filed and the docket number
- The amount of time reserved for the hearing
- Whether a court reporter has been ordered, and the court reporter’s name and contact information
- Whether the hearing is in-person or remote and any necessary instructions for a remote hearing. The Court’s Zoom number is 940 0409 4230. No password required.

Cross Noticing: Matters may only be cross noticed if ALL parties agree to all matters being heard at the same time AND only if there is sufficient time for the Court to hear/consider multiple matter at one hearing. Please make sure to e-mail the JA to let the Court know what other matters are being added. Failure to inform the JA will result in the additional matter being stricken from the calendar. Also, an Amended Notice of Hearing will need to be filed that includes all of the matters to be heard.

Cancellations: See Administrative Order S-2024-046, Paragraph 12(f)

Any hearing scheduled by the Court cannot be cancelled without Court approval. If any hearing is canceled or rescheduled, the attorney/party setting the hearing must notify the JA and the opposing attorney/party as soon as possible after discovering the need for the cancellation.

Cancelling Hearings Within 24 Hours of Hearing:

It is imperative to notify the JA by e-mailing a copy of the Notice of Cancellation to circivdivf@fljud13.org.

E-filing a document through the e-portal does not automatically notify the

Judge's office.

Cancelling Hearings with More Than 24 Hours' Notice:

If the hearing was scheduled on JAWS, the scheduling party must cancel their own hearing through JAWS. If hearing was scheduled via e-mail, the scheduling party must cancel their own hearing by submitting a Notice of Cancellation via the court's division e-mail address, which is circivdivf@fljud13.org.

Cancelling Trial and Pre-Trial:

You may not cancel a Pretrial Conference or Trial unless the matter is completely settled. If the case has settled, the parties must either:

- File a Notice of Voluntary Dismissal and upload an Order Approving the voluntary dismissal to the Court through the e-portal. Also, a copy of the Notice of Voluntary Dismissal must be e-mailed to the JA at circivdivf@fljud13.org
- File a Joint Motion to Cancel Pretrial and Trial and upload an order granting same via the e-portal indicating the case has settled. The Orders must be signed prior to the Pretrial.

C. Remote Appearance

Unless otherwise directed by the Court, Pretrials, Jury Trials, Non-Jury Trials, and Evidentiary Hearings scheduled for 30 minutes or longer will be conducted in-person. Unless otherwise directed by the Court, all other hearings will be conducted electronically via Zoom. Please see the Zoom link below:

Zoom link: <https://zoom.us/j/94004094230>

Meeting ID: 940 0409 4230

*No password is required.

If you are unable to participate in Zoom using the above link, *as a last resort*, you can join by telephone by dialing 1-786-635-1003 with meeting ID# 94004094230.

PRETRIAL CONFERENCES, JURY TRIALS AND NON-JURY TRIALS (except non-jury trials scheduled for less than 30 minutes) **WILL BE CONDUCTED IN-PERSON.**

ALL EVIDENTIARY HEARINGS scheduled for less than 30 minutes will be conducted via Zoom unless otherwise directed by the Court. Evidentiary hearings scheduled for 30 minutes or more will be conducted IN-PERSON.

D. Submission of Orders and Judgments:

See Administrative Order S-2024-046, Paragraph 13.

All Proposed Orders:

A proposed order should be submitted for the judge's review only after the following:

- The proposed order has been shown to opposing counsel/opposing party, and
- The Opposing counsel/opposing party has either agreed to the order, or
- The Opposing counsel/opposing party has failed to respond after five days, or
- Opposing counsel/opposing party has objected to the proposed order and indicated that they will submit their own competing order.

Proposed Orders After a Hearing – Timely Submission:

Proposed orders following a hearing from UMC must be submitted within 5 days of the hearing unless otherwise directed by the Court. All other proposed orders and final judgments after a hearing must be submitted within 10 days after the judge's ruling unless otherwise directed by the Court. If the attorney/party directed to submit the order fails to timely submit the proposed order, the opposing counsel/party may submit a proposed order within 5 days after the initial time period.

Agreed Proposed Orders:

Proposed Orders that are agreed upon by the parties are to be uploaded through the e-portal in PDF format. A cover letter must also be uploaded with the proposed order. Please include in the cover letter the date of

the hearing and that the opposing party has agreed to the proposed order or failed to respond within five days.

Competing Orders:

Unless otherwise directed by the Court, competing orders must be submitted to the Court via e-mail to circivdivf@fljud13.org in WORD format and ensure that opposing counsel/opposing party is copied on the e-mail. A cover letter must be included that details the conflicting issues. Once the first proposed order has been submitted, any additional competing orders must be submitted in the same manner described above within five days.

Directions for Uploading Orders:

For directions on how to upload proposed orders via the e-portal for electronic signature, click on the following link: [Uploading Orders & Exhibits to E-Filing Portal](#). Proposed orders submitted through the e-portal MUST be uploaded in PDF format. Proposed orders uploaded in WORD format are automatically rejected by the e-portal. The parties must ensure they are associated to the case in JAWS and have selected recipients for rejection notices.

Conformed Copies to Pro Se Litigants:

If a party is pro se and does not have an e-mail address associated with the case, the attorney will be responsible for mailing copies of the order to pro se parties.

E. Courtesy Copies of Case Law and Other Documents

See Administrative Order S-2024-046, Paragraph 12(c)(v)

All documents must be submitted **at least three business days** prior to hearing. Documents submitted after three business days may not be considered.

Documents cannot be accepted via sharefile links.

Motions and/or memorandums that exceed 10 pages in length must be provided in hard copy. Motions and/or memorandums that are 10 pages or less in length may be e-mailed. Please include a copy of the notice of

hearing.

While not required, materials that are indexed and tabbed are most useful.

F. Emergency and Other Urgent Matters

See Administrative Order S-2024-046, Paragraph 19

After an emergency motion is filed with the clerk and properly flagged as an Emergency pursuant to Administrative Order S-2024-046, Paragraph 12(B), Please e-mail the JA with a courtesy copy so the Court is aware of the need to act on the motion. The e-mail address is circivdivf@fljud13.org.

G. Exhibits for Evidentiary Proceedings

See Administrative Order S-2024-046, Paragraph 16

Please refer to the Clerk of Courts Trial Exhibits Memorandum for Jury/Non- Jury Trial Exhibits at <https://hillsclerk.com/court-services/circuit-civil>.

H. Pretrial Procedures and Conferences

See Administrative Order S-2024-046, Paragraph 15(F)

Pretrial Conferences Will Be Held In-Person: At least one trial counsel per party must appear at the pretrial conference. Counsel must be prepared to negotiate settlement at the pretrial conference and have available at the conference a party or representative who has full settlement authority.

Meeting Prior to Pretrial Conference for Jury Trials:

Counsel for the parties and/or any self-represented parties must meet no later than 10 days before the pretrial conference, to:

- A. Mark all exhibits for identification
- B. Prepare an exhibit list for the Clerk and Court (actual exhibits and documentation evidence must be available for inspection at this time)
- C. Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit

- D. Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof
- E. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence
- F. Discuss the possibility of settlement
- G. Submit an itemized statement of special damages Plaintiff expects to prove
- H. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its pretrial conference, and the trial
- I. Draft one Pretrial Conference Order (using the form order located under the "Forms" tab of the undersigned's web page at <http://www.fljud13.org>), signed by all participating counsel, that must be submitted directly to the Court **at least 3 days prior to the pretrial conference.**

Meeting Prior to Pretrial Conference for Non- Jury Trials:

The attorneys for all parties are directed to meet together no later than 7 Days before the Pre-Trial Conference to:

- A. Mark all exhibits for identification
- B. Prepare an exhibit list for the Clerk and Court (actual exhibits and documentation evidence shall be available for inspection at this time)
- C. Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit
- D. Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof
- E. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence
- F. Discuss the possibility of settlement
- G. Submit an itemized statement of special damages Plaintiff expects to prove

- H. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference and the Trial.
- I. Draft one Pre-Trial Conference Order (using the form order located in Forms section), signed by all participating counsel, that shall be submitted directly to the Court **at least 3 days prior to the Pre-Trial Conference.**
- J. **At least 10 days prior to the first day of Trial, the parties must prepare proposal Findings of fact and Conclusions of Law in word format, to be submitted to circivdivf@fljud13.org.**

Continuance of Pretrial Conferences And Trials: See Administrative Order S-2024-046, Paragraph 15 (H)

Pretrial conferences and trials cannot be continued by stipulation of the parties. Only a court order can continue a pretrial conference or a trial.

Unless otherwise excused by the Court, a hearing is required on all motions to continue a trial. If the motion is granted, the parties must be prepared to select new dates for trial and pretrial conference at the hearing.

Jury Instructions & Verdict Form:

Unless otherwise ordered by the Court, ten (10) days prior to the Pretrial Conference, jury instructions and verdict forms must be filed with the Clerk **and e-mailed in Word format to the division email address** in accordance with the following:

- A. Each instruction must be on a separate sheet of paper
- B. Each instruction should have a number and title consistent with the approved Supreme Court Jury Instructions
- C. Instructions should be in Bookman Old Style Font, Size 14
- D. Counsel must confer prior to the pretrial conference as to any agreement they can reach on the instructions and verdict forms and advise the court at the pretrial conference
- E. Submit to the Court via e-mail ONE set of instruction upon which all parties agree. Separately submit other instructions that are proposed but upon which the parties do not agree.

I. Setting Case for Trial

Procedure: For all cases filed after May 1, 2021, a Differentiated Case Management Order was entered by the Clerk at the time the case was filed. It is essential to read that Differentiated Case Management Order (DCMO) in its entirety, calendar the deadlines, and follow its instructions. The trial will be scheduled according to the DCMO at the Differentiated Case Management Conference if not already scheduled.

Notice Period: The Court does not set date-certain trials. After the pre-trial conference, the Court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period.

J. Forms

Please follow this link to the Forms Section of the Circuit Website

<https://www.fljud13.org/forms.aspx>

K. Other Division Procedures

Professionalism:

The Court requires all attorneys and parties to abide by the Standards of Professional Courtesy for the Thirteenth Judicial Circuit, which are located on the circuit website at

<https://www.fljud13.org/LegalCommunity/ForAttorneys/StandardsofProfessionalCourtesy.aspx>

Motions: See Administrative Order S-2024-046, Paragraph (11)

Good-Faith Conference:

Movants **must** comply with Rule 1.202, which requires the movant to confer with the opposing party or opposing counsel in a good faith effort to resolve the issues raised in the motion. **Failure to confer and include in the motion the appropriate certification regarding the conferral—with the detail required by the Administrative Order and Rule 1.202—will result in the motion being denied without prejudice and any hearing cancelled.**

Motions to Compel:

Motions to compel should describe with specificity the relief sought. The motion **must** comply with the good-faith conference certification requirements of Rule 1.202. Motions that do not comply will be denied and hearings cancelled. The attorneys and parties **MUST** undertake true, good-faith efforts to resolve discovery disputes before filing a motion to compel.

Motions to Compel Without a Hearing:

Paragraph 11(B) of Administrative Order S-2024-046 allows the Court to issue orders compelling discovery without a hearing in certain circumstances. Parties are cautioned to read the administrative order closely before submitting a proposed order.

Non-Evidentiary Pretrial Motions Without a Hearing:

Paragraph 11(C) of Administrative Order S-2024-046 allows the Court to rule on certain motions without a hearing. Parties must comply with the administrative order before the request will be considered.

Good Faith Conference: See Fla. R. Civ. P. 1.202

Movants **must** comply with Rule 1.202, which requires the movant to confer with the opposing party or opposing counsel in a good faith effort to resolve the issues raised in the motion. **Failure to confer and include the appropriate certification statement regarding the conferral within the motion—with the detail required by the Administrative Order and Rule 1.202—will result in the motion being denied without prejudice and any hearing cancelled.**

AN EXCHANGE OF E-MAILS WILL NOT BE SUFFICIENT TO SATISFY THIS REQUIREMENT. THE LAWYERS/PARTIES MUST ACTUALLY TALK TO EACH OTHER.

Motions For Rehearing, Clarification, Reconsideration, and New Trial:

See Administrative Order S-2024-046, Paragraph (17)

Motions for rehearing, clarification, reconsideration, or new trial will not be set for hearing without the Court's authorization and require the Court's review. E-mail a copy of the motion that bears the clerk's e-filing date and a cover letter to the judge's office for consideration. The e-mail should be sent

to circivdivf@fljud13.org.

Registration on JAWS:

[See Administrative Order S-2024-046, Paragraph 10\(b\)](#)

The Judicial Automated Workflow System (JAWS) is the Thirteenth Judicial Circuit's case management system. The Court enters all orders through this system. Parties must register e-mail addresses on JAWS for each individual case and for each individual attorney or party entitled to service. Filing a notice of an e-mail address through the Portal does not input the e-mail address into the JAWS for purposes of receiving electronically signed orders and judgments, JAWS notifications or e-mail correspondence from the court.

E-mailing Judicial Chambers:

Litigation by e-mailing chambers is **absolutely prohibited**. All relief must be sought by motion or stipulation. Parties who seek any form of relief by e-mailing chambers—other than for administrative purposes allowed above—may be sanctioned without further notices. The judicial assistant can only answer questions about scheduling and preferences. The judicial assistant cannot give legal advice.