**Honorable Steven B. Whittington**

**Division A – CRIMINAL and CIVIL (civil, probate and guardianship)**

(updated January 2022)

**Scheduling**

* All scheduling is conducted by email. Motions shall be docketed prior to hearing request and Clerk’s motion docket number provided.
* Hearings over one hour require a motion to set. Evidentiary hearings over 30 minutes shall be held in-person. Non-evidentiary hearings and hearings 30 minutes or less may be held by Zoom (by agreement) and hosted by the Court, unless otherwise ordered by the Court.
* Prospective dates are provided for counsel to coordinate and are not held or guaranteed until a confirmation email is received. Once you provide an agreed upon date, the JA will provide hearing confirmation with the location and/or Zoom link for counsel to include when preparing a notice of hearing. Please do not file a notice of hearing until hearing confirmation is provided.
* Hearing location:

The Honorable Steven B. Whittington

Judge William A. Wilkes Judicial Complex

825 North Orange Avenue, Fourth Floor, Hearing Room 4-097 (or assigned courtroom)

Green Cove Springs, FL 32043

**Ex Parte**

* Ex parte will be held for brief, uncontested matters, including motions to withdraw and motions to set, if necessary. Dates may be obtained by emailing the JA who will assign a time certain to appear during ex parte by Zoom or in-person (by agreement). Please see additional information for specific procedures regarding scheduling/motions to set.

**Motion to Set for Trial**

* Motions to set are currently considered by email and set for hearing, if needed.
* **Hearings over 1 hour**: Complete a trial set memo-motions form and email a courtesy copy to the JA for the Court’s consideration. Counsel shall agree upon the motions to be heard and length of time needed or request a hearing on a motion to set. Upon the Court’s review, JA will contact counsel to schedule.

<https://www.clayclerk.com/wp-content/uploads/2022/02/Trial-Set-Memo-Motion-Hearings-Judge-Whittington.docx>

* **Trial**. Following consultation with opposing counsel, a motion to set for trial shall be filed. Once docketed, a courtesy copy shall be provided to the JA along with a trial set memo for the Court’s consideration along with the preferred trial week (schedule on website). Cases will be referred to mediation and the agreed upon mediator’s name and e-mail address shall be provided. Upon the Court’s review, the JA will contact counsel by email to schedule the trial or a hearing on the motion to set, if required by the Court.

<https://www.clayclerk.com/wp-content/uploads/2022/02/Trial-Set-Memo-Civil-Judge-Whittington.docx>

**Motion Practice / Evidence Submission**

* **Courtesy copies. All pleadings are reviewed by the Court from the Clerk’s docket. Courtesy copies of motions or notices of hearing available for review on the docket should not be sent to the Court. Other case related documents or case law should be delivered to the Court no later than 3 business days prior to the hearing.**
* **Motions to Appoint Process Server are processed by the Clerk. File a motion and the Clerk will generate an order appointing process server.**
* **Motion to Withdraw requires consent of client and no-objection from all parties or hearing required.**
* **Motions to Compel. Pursuant to First Amended Administrative Order 88-2, motions to compel will not be cancelled once set on the Court’s calendar. Motions and notices of hearing should comply with the AO and rule of procedure, including certificates.**

<https://www.clayclerk.com/wp-content/uploads/2022/02/Administrative-Order-88-2.pdf>

* **Compulsory Medical Examinations. Counsel shall review the Court’s CME Guidelines prior to requests for scheduling of objections/motions relating to CME’s.**

<https://www.clayclerk.com/wp-content/uploads/2022/02/CME-Guidelines-for-Counsel.pdf>

* **Evidence.** Counsel shall comply with the rules of evidence and procedure.
* **Exhibit Form.** The exhibit form found on the Court’s website should be used for all evidentiary hearings.

<https://www.clayclerk.com/wp-content/uploads/2022/02/Exhibit-List-Judge-Whittington.docx>

* **Submission of Evidence.** Evidence for Zoom hearings shall be delivered to the Court a minimum of 3 business days prior to hearing. Evidence should not be filed with the Clerk until it is admitted into evidence by the Court.
* **Format of Exhibits.** Exhibits to be entered into evidence by stipulation shall be pre-marked as numbered exhibits. All other exhibits shall be pre-marked for identification purposes as lettered exhibits. It shall be the responsibility of counsel to make sure each item of evidence is appropriately labeled prior to presentation to the Court.

**Pretrial Stipulation**

* **Pretrial Stipulation is required and must be completed prior to the Final Pretrial Conference.**

<https://www.clayclerk.com/wp-content/uploads/2022/02/Pretrial-Stipulation-Civil-Judge-Whittington.docx>

**Proposed Orders**

* Unless otherwise ordered, all proposed orders shall be e-mailed to JA within 10 days of the Court’s ruling.
* **Electronic Signing.** Orders are electronically signed through the Clerk’s Benchmark system.  Preferred format is Word.  Consent judgments signed by the parties may be sent in .pdf. Orders should contain one signature line for Judge’s electronic signature. Cover letters should be scanned as separate documents. Ex parte consent judgments and orders should be submitted five days prior to your hearing for review so that the JA may upload to the Judge’s queue.
* **Form**. The proposed order shall include: 1) title with subject matter of the pleading or motion; 2) the date of the hearing, if any; 2) the name of the motion heard and date in which it was filed/clerk’s docket number (not e-portal); and 3) page numbers. Consent or agreed motions shall state such in the motion. The Court’s signature page shall contain substantive language, not just a signature page and allow sufficient space for an electronic signature. All parties required to receive a copy of the order shall be so listed on the last page of the order with either their designated email address or mailing address.
* **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.
* **Where permitted by Rule,** Counsel shall be responsible for mailing conformed copies of any order that requires service by mail in which stamped envelopes have not been provided by counsel to the Court. Certificate of service should reflect such as noted above.

**Video Conference/Zoom Appearance**

Video conference/Zoom appearance is permitted for non-evidentiary hearings scheduled for 30 minutes or less. Motion and proposed order is required for appearances otherwise. Motion must be filed no less than one week prior to hearing and identify matter being heard and whether opposing party has an objection. Absent a court order for good cause shown, personal appearance is required on motions for summary judgment and final pretrial conferences.

**Foreclosures**

* Foreclosure calendars are held in person – Hearing Room 4-097.
* Summary judgment hearings require personal appearance.
* Foreclosure packages should not be pre-delivered – attorney must bring to hearing.
* Motion/Order to Cancel Sale must be received 3 days prior to sale date.

**Cancellations/Settlement**

**Counsel must request permission of the Court to cancel a hearing. Once confirmed, Counsel must immediately file a Notice of Cancellation of the hearing. Merely e-filing a notice of cancellation or settlement does not remove the matter from the Court’s calendar. Motions to Compel may not be canceled.**

**Emergency Motions/Petitions**

Emergency motions may be emailed to the Judicial Assistant for the Court’s review. The Judicial Assistant will notify the moving party whether the Motion/Petition will be heard on an emergency basis. **There shall be no ex parte communication concerning emergency motions/petitions.**

**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.