

# Judge Angela M. Cox - Instructions for Division E

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## EX PARTE:

- 5-minute *ex parte* hearings are designed for:
  - **Uncontested Matters Only**;
  - Motions to Set Trial; and,
  - Motion/Petition hearings that require more than 1 hour.
- *Ex parte* dates are listed on this Court's judiciary online page. You only need to coordinate with opposing counsel/party and appear on the agreed upon *ex parte* date. There is no need to coordinate with the Judicial Assistant.
- All uncontested dissolutions **MUST** have a **Checklist** form fully completed before presenting your case to the Court. A template may be found in the Documents section on this Court's judiciary online page and will be the only version accepted. Hard-copies are also available at the entry of the Judge's Chambers.

### **MOTION TO SET TRIAL:**

- The Moving Party must appear in person during *ex parte* on a Motion to Set Trial. Please Note: “Notice of Readiness for Trial” is not sufficient to be set.
  - The Opposing Party may appear telephonically if desired by filing a motion requesting permission to appear telephonically. See ***Telephonic Appearance*** instructions below.
- A **Trial Set Memorandum** form is to be completed by the Moving Party.
  - If a Mediator, Time-Sharing Evaluator and/or Social Investigator Evaluator is assigned, the Mediator/Evaluator’s email address should be listed.
- The Moving Party should provide self-addressed, stamped envelopes for distribution of the Order Setting for any *pro se* litigants *unless an email address(es) is provided for e-service.*

### **SCHEDULING FAMILY TRIAL:**

- **Parties must have already attended mediation before a trial will be scheduled.**
- File a Motion to Set Trial and attend *ex parte*. See ***Ex Parte*** instructions above.
- A **Trial Set Memorandum** form must be completed prior to scheduling with the Judge and brought to the *ex parte* hearing. A template may be found in the Documents section on this Court’s judiciary online page and will be the only version accepted. Hard-copies are also available at the entry of the Judge’s Chambers.
- Pretrial Stipulations are required to be submitted to the Court 10 days prior to trial. A template for Dissolution and Paternity Actions may be found in the Documents section on this Court’s judiciary online page and will be the only version accepted. Hard-copies are also available at the entry of the Judge’s Chambers.

### **SCHEDULING MOTION/PETITION HEARINGS:**

- Contested motions/petitions must be set for hearing via e-Mail to the Judicial Assistant.
  - If you require more than 1 hour, see ***Ex Parte*** instructions above.
  - To set Temporary Needs in Family cases, see ***Scheduling Temporary Needs*** instructions below.
- Submit your hearing request and:
  - List the Clay County case style and case number;
    - (i.e., 19DR-1234, Jones v. Jones);
  - Attach a courtesy copy of the motion/petition to be heard; and,

- Indicate the length of time needed.
- Proposed hearing dates & times will be provided for you to coordinate with opposing party.
  - Please coordinate amongst yourselves and then provide your final agreed upon date to the Judicial Assistant.
  - Proposed hearing dates & times are given to others and are not reserved or secured until you receive a confirmation e-Mail from the Judicial Assistant.
- Courtesy copy of Notice of Hearings are not required.
- Courtesy copy of Notice of Cancellations **are** required.
- Hearing location information is as follows unless otherwise noted:
  - The Honorable Angela M. Cox
  - Judge William A. Wilkes Judicial Complex
  - 825 North Orange Avenue, Chambers 4-081
  - Green Cove Springs, FL 32043
- No additional motions will be added to a previously scheduled hearing without prior approval by the Court. Unilaterally (without the Court's permission) adding a motion to an already scheduled hearing is not permissible and will not be heard.
- If you have additional case law you would like for the Court to consider, please provide it to the Judicial Assistant at least one week before the scheduled hearing:
  - If you have 5-6 case laws, you may send via e-Mail;
  - If you have a voluminous amount of case law and/or other exhibits, documents, etc., you must mail in hard-copies for review.

### **SCHEDULING TEMPORARY NEEDS:**

- All Temporary Needs and Pre Judgment hearings **must** be scheduled with the General Magistrate.
- You **must** contact the General Magistrate's Office directly for scheduling at [magistrate@clayclerk.com](mailto:magistrate@clayclerk.com) or 904-278-3668.

### **EMERGENCY MOTIONS:**

- Emergency Motions may be emailed to the Judicial Assistant for review.
- **There will be no *ex parte* communications concerning emergency motions.**
- The Judicial Assistant will contact the attorney for the Moving Party on whether the Motion will be heard on an emergency basis or will be heard on

the next available time of the regular court calendar or if the Motion is denied as an emergency and will be referred to the General Magistrate.

### **TELEPHONIC APPEARANCE:**

- Motions for Summary Judgment and Final Pretrial Conference require personal appearance. Telephonic appearance may be allowed for other hearings.
- A Motion to Appear Telephonically **must** be filed. In order to secure approval for telephonic appearance, your Motion must be received **no less than 48 hours** from the scheduled hearing date & time.
- After the Motion is filed, e-Mail a courtesy copy to the Judicial Assistant along with a proposed Order in Word format.
- The following information is required to be included within the body of the Order:
  - The Party and title of the motion/petition the hearing is set on;
  - The hearing date & time; and,
  - That Counsel will call the Court at 904-284-6323 at the time of the hearing.
- Motions requesting a “blanket” (to cover any and all hearings) Order is not permitted. Motions to appear telephonically must be requested on a hearing-by-hearing basis as the Court will require in-person appearance when Her Honor must assess credibility.
- Telephonic appearance is not permitted for hearings that are scheduled for more than 15 minutes barring exigent circumstances.

### **PROPOSED ORDERS:**

- Proposed Orders may be submitted via e-Mail to the Judicial Assistant in Word format on **uncontested matters only**.
  - An Order will not be entered until the Motion is docketed. Do not send a proposed Order until after the Motion is visible on the clerk docket.
  - If there are *pro se* litigants, you are required to mail-in proposed Orders along with providing the required amount of copies and self-addressed stamped envelopes for distribution for all parties.
- Agreed/Consent/Stipulated Orders must show on its face that all interested Parties consent or do not object and will contain signatures of the Parties.

**POSITIVE DIVORCE RESOLUTION (PDR) / CHILDREN FIRST IN DIVORCE (CFID):**

- A PDR/CFID Course is required to be completed by both parties in both Dissolution of Marriage and Paternity cases.
  - PDR should be completed in cases where there are no minor children of the parties.
  - CFID should be completed in cases where there are minor children of the parties.

**PRO SE LITIGANTS:**

- The Court is not permitted to communicate with parties outside of a hearing.
- The Code of Judicial Conduct requires that Judges remain neutral and impartial in cases. The rules and statutes generally require that the Court only consider motions scheduled for hearings which are served on all of the parties.
- The Code also prohibits Judges from considering *ex parte* communications.
  - *Ex parte* means from one side without notice to the adverse party and outside the presence of the parties concerning a pending or impending matter.
- Requests for relief must be in the form of a motion or formal pleading and filed with the Clerk of the Court.
  - The opposing counsel/party must be copied on any correspondence and pleadings filed, without which the inquiry may not be considered.
- Email to the Court's Office may be used for scheduling and agreements between the parties.
  - The opposing counsel/party must be copied on any emails, 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 or act as an advocate on behalf of any party to a case.
- *Pro se* parties may wish to contact an attorney, Legal Aid or Family Court Services to discuss any questions or concerns.

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