

# Judge Gary L. Wilkinson - Instructions for Division F

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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 need to coordinate with opposing counsel/party and then email the Judicial Assistant to be assigned a time certain on your chosen date.
- 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.

## MOTION TO SET TRIAL:

- The Moving Party and opposing counsel must appear in person or via Zoom during *ex parte* on a Motion to Set Trial. Please Note: "Notice of Readiness for Trial" is not sufficient to be set.
- 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.

### **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 required.
- Courtesy copy of Notice of Cancellations are required.
- Hearing location information is as follows unless otherwise noted:  
The Honorable Gary L. Wilkinson  
Judge William A. Wilkes Judicial Complex  
825 North Orange Avenue, Chambers 4-093  
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. It will be at the discretion of the Judicial Assistant whether materials can be emailed or should be mailed/hand delivered.

#### **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.

#### **PROPOSED ORDERS:**

- Proposed Orders may be submitted via e-Mail to the Judicial Assistant in Word format on **uncontested matters only**.
  - 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.

Revised January 20, 2022