

Judge Gary L. Wilkinson
Clay County, Florida – 4th Judicial Circuit
Procedures for Division F

EX PARTE:

- *Ex parte* dates may be requested from the Judicial Assistant.
- 5-minute *ex parte* hearings are designed for:
 - Uncontested final DOM hearings;
 - Unconsented Motions to Withdraw;
 - Motions to Set Trial; and
 - Motions to Set (*miscellaneous*); and

SCHEDULING HEARINGS:

- To request a hearing date please submit your request via e-mail to the Judicial Assistant.
- Submit your hearing request and:
 - List the Clay County case style and case number;
 - Attach a courtesy copy of the motion and reference the docket number;
 - Indicate the length of time needed.
- Proposed hearing dates & times will be provided for you to coordinate with opposing party.
- 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.

SCHEDULING TEMPORARY NEEDS:

- All Temporary Needs **must** be scheduled with the General Magistrate.
- You **must** contact the General Magistrate's Office directly for scheduling at magistrate@clayclerk.com or 904-269-6302.

EMERGENCY MOTIONS:

- Emergency Motions must be emailed to the Judicial Assistant for review.
- The Judicial Assistant will contact the parties 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.

MOTION TO SET TRIAL:

- File a Motion to Set Trial. Once it has been docketed, complete and submit a Trial Set Memorandum form to the Judicial Assistant. A Trial Set Memorandum form is available on the Court's judiciary online page by visiting <https://clayclerk.com/judges>.
- The parties must have already attended mediation before trial will be scheduled.

TRIAL PROCEDURES:

- Division F has a 2-week trial term every six weeks. Cases are assigned a Pretrial Conference date where they will then be scheduled a time certain trial date during the trial week.
- Pretrial Conferences must be attended in person by the attorneys of record, unless a thorough, complete Pretrial Stipulation is timely filed and submitted to the Court in compliance with the trial order.
- Pretrial Stipulations are required to be submitted to the Court 3 days prior to the pretrial conference. A template for the Pretrial Stipulation is available on the Court's judiciary online page by visiting <https://clayclerk.com/judges>.
- All evidence must be brought in hard copy on the day of trial and must include a completed Exhibit List form. The Exhibit List template is available on the Court's judiciary online page by visiting <https://clayclerk.com/judges>.

PROPOSED ORDERS:

- Proposed Orders may be submitted via e-mail to the Judicial Assistant in Word format.
 - Do not send a proposed Order until the Motion is 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.

UNCONTESTED FINAL HEARINGS (DOM)

- These hearings are permitted to take place via Zoom at ex parte.
- The attorney and testifying party must appear together from the attorney's office.
- If there are minor children of the parties, both parents must have completed an authorized parenting course and filed the certificate, pursuant to Fla. Stat. §61.21.
- In cases where the parties will be exercising shared parental responsibility, the Parenting Plan must include language in compliance with Fla. Stat. 61.13(2)(b)3.a.

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 (284-6302, Opt. 3) to discuss any questions or concerns.