

Honorable Steven B. Whittington

Division A – CRIMINAL and CIVIL

(updated March 2024)

Criminal

- Felony calendars consisting of arraignments, VOP's, pretrials, sentencings and short motion hearings are held on Monday and Tuesday at 9:00 a.m. and 1:30 p.m. every other week. Trials, sentencing hearings and longer motion hearings are held on Wednesday, Thursday and Friday. Division A rotates calendars with the Court presiding over felony cases one week and civil cases the following week.
- Felony calendars for Monday are published on Thursday Tuesday's calendars are published on Friday. The filing deadline for arraignments is Wednesday at noon. Counsel is requested to bring their calendar to court to avoid scheduling conflicts. There shall be no court date changes once court calendars have been printed and published.
- Motions, hearing binders, and case-related materials should be mailed, or hand delivered to the Court prior to hearing.
- **Defendants and other interested parties must contact the attorney for questions, concerns or court attendance issues. All correspondence and case related material must be relayed through the attorney.**

Civil Scheduling

- Division A rotates calendars with the Court presiding over felony cases one week and civil cases the following week. In the interest of judicial economy, counsel should attempt to resolve motions when possible before scheduling. Hearings should not be cancelled once they are scheduled.
- All scheduling is conducted by email (DurhamL@clayclerk.com). Motions must appear on Clerk's docket prior to requesting hearing time. Clerk's docket number required.
- Hearings over one hour require a motion to set.
- Prospective dates are provided for counsel to coordinate and are not held or guaranteed until a confirmation email is received. Please do not file a notice of hearing until hearing confirmation is provided.
- Hearing location and courier mailing address:
 - The Honorable Steven B. Whittington
 - Judge William A. Wilkes Judicial Complex (Clay County Courthouse)
 - 825 North Orange Avenue, Fourth Floor, Hearing Room 4-097 (or assigned courtroom)
 - Green Cove Springs, FL 32043
- **Rule 2.530 Communication Technology (ZOOM):**
 - **Non-Evidentiary Hearings 30 minutes or less:** Parties may appear in-person or by Zoom using audio-video communication technology pursuant to Rule 2.530(b), Fla. R. Gen. Prac. & Jud. Admin., without further order of the Court. Counsel shall inform the Court at the time of scheduling whether they are scheduling a non-evidentiary hearing and wish to schedule an in-person or Zoom hearing hosted by the Court. Counsel shall file a notice of hearing within

3 days of hearing confirmation that meets all requirements of Rule 2.530(b), including the specific form of communication technology and directions for access.

- **All other remote hearing requests:** For non-evidentiary hearings exceeding 30 minutes, evidentiary hearings, trials, and requests for presentation of testimony through communication technology, a motion is required pursuant to Rule 2.530(b)(2), Fla. R. Gen. Prac. & Jud. Admin. All proposed orders must be entered no less than one week prior to hearing so that court calendars may be printed and published without further changes.

Motions to Set for Trial / Lengthy Hearings

- 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.
- **Trial.** A motion to set for trial shall be filed. Following consultation with counsel, a courtesy copy shall be provided to the JA along with a trial set memo, preferred trial week (schedule on website), and name/e-mail of preferred mediator. Upon the Court's review, the JA will prepare a trial order or contact counsel by email to schedule a hearing on the motion to set, if required by the Court.

Motion Practice / Evidence Submission

- **Motions to Appoint Process Server** are processed by the Clerk. File a motion and the Clerk will generate an order appointing process server.
- **Case Management Orders** are issued by the Clerk.
- **Motion to Withdraw** requires consent of client and no-objection from all parties or hearing required. Certificate of service must reflect copies of motion and hearing provided to client.
- **Motion/Order to Cancel Sale** must be received no less than 3 days prior to sale date.
- **Motions to Compel.** Pursuant to First Amended Administrative Order 88-2, motions to compel/protective orders will not be cancelled once set on the calendar. Motions and notices of hearing should comply with the AO and rule of procedure, including certificates.
- **Compulsory Medical Examinations.** Counsel shall review the Court's CME Guidelines prior to requests for scheduling of objections/motions relating to CME's.
- **Hearing materials, binders, foreclosure packets.** All case related materials (binders, case law, foreclosure packets, etc.) should be mailed or hand delivered to the Court no later than five (5) days prior to hearing.
- **Default Judgments.** The Court is required to mail conformed copies of final judgments to defaulted parties pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(h)(2). Counsel shall submit these proposed orders by mail with copies for conformation and stamped envelopes.
- **Evidence.** Counsel shall comply with the rules of evidence and procedure.
 - **Exhibit Form.** Exhibit form available on Court's website for use at evidentiary hearings.

- **Submission of Evidence.** Evidence for Zoom hearings shall be delivered to the Court a minimum of five (5) 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 counsel's responsibility to make sure each item of evidence is appropriately labeled prior to hearing.

Pretrial Stipulation

- **Pretrial Stipulation** is required and must be submitted three days prior to pretrial conference.

Proposed Orders

- Unless otherwise ordered, all proposed orders (except default final judgments) shall be submitted through the e-portal. Please visit the Fourth Circuit website for additional instructions and a form order: <https://www.jud4.org/Proposed-Orders-EFiling.aspx>
- The motion must appear on the Clerk's docket prior to submitting a proposed order.
- **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; 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. Alternatively, you may use CCCC for the copies to: if all parties are correctly listed on the docket.
- **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. Default final judgments must be submitted by mail as the rule requires the Court to mail.

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. Please notify the Court upon settlement to remove the case from the docket.

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, including telephonic, email and mail. 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. **Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C), all pro se parties must serve a designation of a primary e-mail address and may obtain a form to do so from the Clerk of Court.**