

Judicial Practices and Procedures

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to durhaml@clayclerk.com. The subject line must contain the case number, case name, and relevant matter (e.g., 2026 CF 001234 SC – State v. Doe - 2-Hour Hearing Requested.)”
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of all parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.
- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the Court. Parties may only contact the

judicial office according to these practices and procedures.

- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The Judicial Assistant is not authorized to provide legal advice. All inquiries will be answered as soon as possible. In the event of the Judicial Assistant's absence, an email auto-reply will be generated with further instructions.
- **Other Communication Procedures:** 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. Defendants and other interested parties must contact the attorney of record with any questions, concerns or court attendance issues. All correspondence and case related material must be relayed through the attorney.

B. Scheduling Procedures

- **Court Schedule:** The Court shall schedule cases as follows:

Monday: a.m. - Arraignments, Final Pretrial Conferences, Hearings on Motions/Sentencings to-be-set and Jury Selections

p.m. – Jury Selection

Tuesday: a.m. – Arraignments and Pretrials

p.m. – Arraignments and Pretrials

Wednesday: Jury Trials, motion hearings and sentencings

Thursday: Jury Trials, motion hearings and sentencings

Friday: Jury Trials, motion hearings and sentencings

- **Scheduling Hearings:** Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel or party if unrepresented. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties by email at durhaml@clayclerk.com. Dates provided for hearings are not held and may be given to other cases. It is expected that all counsel will promptly

respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. Hearing dates/times are not secured until confirmation is sent from the Court. Once a hearing time is set, no party may add or notice additional matters for that time without the express consent of the Court and all parties.

- **Notice of Hearing:** A notice of hearing will be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance will list the Judge's Zoom credentials. All notices of hearing will contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **Submission Deadlines:** The Court must receive all materials for the hearing no later than three (3) business days before the hearing.
- **Order of Proceedings:** Matters will be heard in the order called by the State or otherwise designated by the Court.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five (5) days prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).
- **Cancelling Hearings:** Only the party setting a hearing may cancel it with permission of the Court. Request for cancellation must be emailed to the Judicial Assistant with a copy to opposing counsel. Cancellation of a hearing MUST be confirmed with and by the Judicial Assistant.
- **Criminal Scheduling:** The Judicial Assistant may offer a one-time administrative pass date to counsel. Change requests should be submitted no later than Thursday mornings as the Clerk prints calendars on Thursdays and Fridays.

C. Appearances

- **Arraignment:** Defendant's appearance may be waived at arraignment provided a written Waiver of Appearance and Plea of Not Guilty has been filed and docketed prior to the scheduled court appearance. Counsel must appear at arraignment and the State must be prepared to advise the Court of the State's offer, sentencing guidelines, speedy trial and status of discovery.
- **Final Pretrial Conference:** Defendant's appearance is required at final

pretrial conference along with the attorney who will try the case.

- **Technology Needs:** The Court allows parties to use technology in their trial and hearing presentations. Counsel is responsible for having any technology set-up and ready to use during the trial or hearing without causing unnecessary delay. Please contact the Court's Information Technology department at <https://www.jud4.org/Technology.aspx> to coordinate any technological issues in advance of the trial or hearing.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in Word format through the e-portal. All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order. All consent Orders shall include the word "Consent" or "Agreed" in the caption of the proposed Order.

Procedure for submitting proposed orders in Fourth Circuit

<https://www.jud4.org/getContentAsset/8637cf76-1dd0-411c-94c1-f33eabf30a60/135b97c9-84fa-4e82-b956-0fbccec4aa1f/Procedures-for-Submitting-a-Proposed-Orders-4th.pdf?language=en>

How to efile a proposed order

<https://www.jud4.org/getContentAsset/692b736d-0544-49b1-8639-fb39dddf9ae7/135b97c9-84fa-4e82-b956-0fbccec4aa1f/E-Filing-Proposed-Orders-PDF.pdf?language=en>

- **Submission Method:**
Consent/Agreed proposed orders must be submitted to the Court via e-portal.
Competing/Contested proposed orders should not be filed through the e-portal. These should be emailed to the JA for further instructions.
- **Deadline for Submissions:** Proposed orders must be submitted within ten (10) days after any hearing unless otherwise directed by Court.
- **Other Procedures Relating to Submission of Orders and Judgments:** Proposed orders should contain the date the motion was heard (date of hearing), if any, and the date the motion was filed.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law must be submitted to the Court for any evidentiary proceeding.

- **Format:** PDF or Word document.
- **Submission Method:** Courtesy copies shall be submitted via electronic submission. If voluminous, parties must place courtesy copies on a flash drive and deliver to the Court with permission for the Court to destroy because these copies have been filed with the Clerk.
- **Deadline for Submissions:** Courtesy copies must be delivered to the Court at least three (3) days prior to the hearing with copies provided to all other parties at the same time.

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.
- **Scheduling:** If the Court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.
- **Other Procedures Relating to Emergency and Other Urgent Matters:** There must be no ex parte communication concerning emergency motions/petitions.

G. Exhibits for Evidentiary Proceedings

- **Submission Method:** Submit all exhibits by mail or hand delivery.
- **Format:** Exhibits must be submitted to the Clerk of the Court in paper format. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the Court, and each party to review during the hearing or trial. Exhibits must be labeled in the following format: 'Petitioner/Plaintiff 1' or 'Respondent/Defendant A.'
- **Deadline for Submissions:** All exhibits must be received in chambers three (3) days before the evidentiary proceeding.

H. Other Division Procedures

- **ADA Accommodations:** If you are an individual with a disability who

needs an accommodation to participate in a court proceeding or other court service, program, or activity, you are entitled, at no cost to you, to the provision of certain assistance. Requests for accommodations may be presented by form, in another written format, or orally. Please visit Jud4.org - Florida State Courts System ADA Title II Accommodation Request Form - Duval and Clay to access the form, that must be submitted to the ADA Coordinator at (904) 255-1695 (or 711 Florida Relay Service); or at 501 West Adams Street, Room 6204, Jacksonville, FL 32202; or CRTINTRP@coj.net. Please submit your request as far in advance as possible, but preferably at least seven (7) days before your scheduled appearance or other Court activity.

- **Interpreter Requests:** The Fourth Judicial Circuit Court Interpreter Program is dedicated to providing qualified interpreters to non-English speaking litigants in the courtroom. Interpreters are hired by Court Administration on an event-by-event basis and can be provided for most court events. Please contact the Court Interpreter Program Coordinator at least seven (7) days before the service is needed, or immediately upon receiving notification if the time before the needed service is less than seven (7) days. If you are hearing or voice impaired, call 711 to reach the Telecommunications Relay Service. Requests for interpreter services (foreign language and sign language) should be directed to the Court Interpreter Program Manager, crtintrp@coj.net or by telephone at (904)255-1010. Please visit Jud4.org - Request for Interpreters for more information.