



**POLICIES AND PROCEDURES
JUDGE GARY L. WILKINSON**

Fourth Judicial Circuit Court of the State of Florida
Division F

Judge William A. Wilkes Judicial Complex
(Clay County Courthouse)
825 North Orange Avenue
Green Cove Springs, Florida 32043

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Hearing Room 4-093

Division F Website:
<https://clayclerk.com/judges/circuit-judge-gary-l-wilkinson-division-f/>

I. CASE MANAGEMENT ORDERS

Projected Trial Period: The Court, on its own initiative, for all cases that Rule 1.200 applies to, will enter an initial case management order fixing a projecting trial date, pretrial conference date, and specifying no less than the projected pretrial deadlines required in Rule 1.200(d)(2) (A-I), Fla. R. Civ. P.

Case Management Conferences: The Court, on its own initiative, for all cases that Rule 1.200 applies to, will enter an initial case management order scheduling a Case Management Conference. If the parties agree that the CMC is not necessary, they may request to be excused by emailing the Court's Judicial Assistant a completed Division F Trial Set Memorandum and accepting the projected trial date. **If the parties are not excused from the CMC, they will be required to appear in person on the scheduled date and time. These conferences will not be rescheduled, and remote appearances will not be permitted.**

II. SETTING HEARINGS:

E-mail Hearing Time Request: The party requesting the hearing shall email the Court's Judicial Assistant at claxtonk@clayclerk.com and copy the assistant(s) for opposing counsel, or the pro se parties, and **must** provide the case number, the motion(s) to be set for hearing, corresponding docket number(s), and how much time is being requested. *Once your hearing is confirmed, the movant will have three (3) business days in which to file a notice of hearing and email a copy to the Judicial Assistant. Noncompliance will result in cancellation of the hearing without further notice.*

Non-Evidentiary Hearings 30 Minutes or Less – Appearance Options: For non-evidentiary hearings scheduled for **thirty (30) minutes or less**, counsel shall typically be permitted to appear in-person or via Zoom, regardless of whether they are local or out-of-town pursuant to Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin. **DO NOT SET HEARINGS FOR 30 MINUTES OR LESS FOR MATTERS THAT WILL REQUIRE MORE THAN 30 MINUTES IN AN EFFORT TO SECURE A SOONER HEARING DATE OR A REMOTE APPEARANCE.**

Non-Evidentiary Hearings Greater than 30 Minutes – Communication Technology: Should counsel desire to attend a non-evidentiary hearing scheduled for **more than thirty (30) minutes via telephone or Zoom**, counsel must seek leave of Court by filing a written Motion and providing a courtesy copy of the Motion setting forth good cause to grant the Motion pursuant to Rule 2.530, Fla. R. Gen. Prac. & Jud. Admin. and proposed consent Order to the Court via electronic mail.

Evidentiary Hearing – Communication Technology: Should counsel desire to participate in an **evidentiary hearing** and present testimony through Zoom or other communication technology, regardless of the duration of the hearing, counsel must seek leave of Court by filing a written motion setting forth good cause to grant the motion pursuant to Rule 2.530(b)(2), Fla. R. Gen. Prac. & Jud. Admin. and providing a courtesy copy of the Motion and a proposed Consent Order to the Court via electronic mail.

Hearing Notebooks, Legal Memorandums, and Citations: Any hearing notebooks, legal memorandums or briefs, along with hard copies of the significant cited authorities, **must be provided to the Court at least three (3) business days before the hearing**, or immediately if the hearing is scheduled within that time period. Such item(s) are to be hand delivered with a cover letter or mailed with a cover letter. *Please be sure to provide all opposing counsel with the same cover letter and item(s).* The Court will attempt to review the motion(s) and the memorandums, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered.

Meet and Confer Requirement Prior to Scheduling a Hearing on the Motion: A mandatory meet and confer process is hereby established as set forth below, for all motions to be ***set for hearing*** in Circuit Civil Division F and to occur ***before*** scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; default, default final judgment, default summary judgment; summary judgment; or to permit maintenance of a class action.

(i) Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion and include a Certificate of Conferral Prior to Scheduling Motion for Hearing (attached hereto as “Exhibit A” “First Option”) that the conference has occurred with the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

(ii) The term “confer” requires a substantive conversation in person, by telephone, or by communication technology in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.

(iii) Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Conferral Prior to Scheduling the Motion for Hearing the dates and times of the efforts made to contact opposing counsel (attached hereto as “Exhibit A” “Second Option”).

(iv) Counsel must file with the Notice of Hearing a “Certificate of Conferral Prior to Scheduling the Motion for Hearing” certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained. The Court will accept a certificate

of conferral substantially in the form provided in Exhibit “A”, either First Option or Second Option, attached to these “Policies and Procedures” set forth directly above the signature block of the Notice of Hearing for the motion. For the convenience of counsel preparing the Notice of Hearing, the Court has provided Exhibit “A” attached to these “Policies and Procedures” together with the same template certificate of conferral in Word format published on the Court’s website for counsel to edit and insert above this signature block of the Notice of Hearing.

(v) Counsel who notices the hearing shall ensure that the Court and the Court’s Judicial Assistant are aware of any narrowing of the issues or other resolution as a result of the conference.

(vi) Failure to make a good-faith effort to resolve the issues raised in the motion before scheduling a hearing on the motion may, in the Court’s discretion, result in the hearing being canceled, the motion stricken from the Court’s calendar or denied, the imposition of sanctions, and/or the denial of any monetary or non-monetary sanctions requested by movant in the motion. The Court may waive this good-faith effort requirement under appropriate circumstances.

III. REQUEST FOR EMERGENCY HEARING:

The Court will decide whether the reasons set forth in the motion for emergency hearing and/or the allegations contained in the motion constitute an actual emergency. If the Court determines that the motion does allege an actual emergency, it will take whatever action deemed appropriate, including entry of an *ex parte* order if permissible by law.

IV. CANCELLATION OF HEARING:

When cancelling a hearing, you may email the Judicial Assistant and copy opposing counsel notifying the Judicial Assistant of the cancellation.

DO NOT assume the hearing is automatically removed from the Court’s calendar. If you do not receive an email confirming the cancellation, please try contacting the Judicial Assistant again. **A Notice of Cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. Cancellation of a hearing MUST be confirmed with and by the Court.**

V. SETTLEMENT OR DISMISSAL OF CASES:

If a case settles or is voluntarily dismissed, please provide the Court’s Judicial Assistant with a courtesy copy of an e-filed Notice of Settlement or Dismissal immediately by email to allow the Court to free up hearing/trial time for other cases. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement.

VI. PROPOSED ORDERS FOLLOWING A HEARING:

If counsel is asked to prepare an order, the order should be drafted and circulated to opposing counsel within three (3) working days and must be submitted to the Court within seven (7) days of the hearing, with a copy to opposing counsel. **Proposed Orders are to be submitted to the Court via the e-Portal.**

ALL PROPOSED ORDERS PRESENTED FOLLOWING HEARING, whether submitted to the Court in writing or via email as contemplated *supra*, **MUST INCLUDE A COVER LETTER INDICATING:**

1. What the Order is for (i.e. the case, the motion heard, including date and time, the title of the Order, etc.); and
2. That all opposing counsel/unrepresented parties have been provided with the same materials being provided to the Court, and whether the parties agree with the language of the proposed Order.

VII. PROPOSED AGREED OR CONSENT ORDERS, OR ORDERS ON MOTIONS NOT OBJECTED TO, WITHOUT A HEARING:

Proposed agreed or consent orders, or orders on motions not objected to, without a hearing may be submitted to the Court **with a cover letter**, which must be copied to all opposing counsel/unrepresented parties. A courtesy copy of the motion, joint stipulation, etc. related to the proposed Order must be provided. The letter must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether opposing counsel/unrepresented party agrees with the language of the proposed Order. The service list on the Order must contain e-filing addresses for opposing counsel/unrepresented parties.

VIII. WITHDRAWAL OF COUNSEL / SUBSTITUTION OF COUNSEL:

All Motions to Withdraw must set forth reasons for withdrawal and be set for hearing, with proper notice to the client, in accordance with Fla. R. Gen. Prac. & Jud. Admin. 2.505(f)(1), and all parties/attorneys. If the motion is granted, the attorney moving to withdraw shall prepare a written order setting forth the client's last known address, telephone number, and email address. In addition, the order should provide the client a reasonable time period to retain an attorney. If the client is a corporation or other entity, the order should also contain a provision putting the client who is a business entity, trustee or a trust, personal representative of an estate, or otherwise named in a representative capacity, not an individual person, on notice that it cannot represent itself pro se through its owners, officers, directors, managers, or other representatives in Circuit Court. A template Division F *Order Granting Motion to Withdraw* is published on the Court's website in Word format.

All Substitutions of Counsel, even if they are within the same firm, must include the client's written signature indicating knowledge and consent.

IX. *EX PARTE* PERSONAL COMMUNICATIONS/CORRESPONDENCE:

The Court **WILL NOT** engage in nor accept any ex-parte personal communications or correspondence on a case. If you have a matter to bring to the Court's attention, please file the proper motion with the Clerk of Court and copy all parties and/or counsel in the case with said motion.

First Option

CERTIFICATE OF CONFERRAL PRIOR TO SCHEDULING MOTION FOR HEARING

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person, by telephone, or by communication technology with opposing counsel on [enter date] in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

/S/ _____
Counsel for the party who noticed
the matter for hearing.

Second Option

CERTIFICATE OF CONFERRAL PRIOR TO SCHEDULING THE MOTION FOR HEARING

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person, by telephone, or by communication technology on:

1. _____ (Date) _____ at _____ (Time) _____ ;
2. _____ (Date) _____ at _____ (Time) _____ ;
3. _____ (Date) _____ at _____ (Time) _____ ;

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

/S/ _____
Counsel for the party who noticed
the matter for hearing.