Honorable Mary C. Evans

**UNIFIED FAMILY COURT POLICIES AND PROCEDURES**

Revised March 23, 2015

**Unified Family Court** means all issues confronting one family are heard by one judge. Thus, **Notice of Related Cases** is required to be filed pursuant to Rule 2.545(d) of the Rules of Judicial Administration.

**Magistrates:** Generally, evidentiary hearings can be heard by a magistrate at an earlier date than the judge. If you would like to schedule a hearing before a magistrate:

* First, you must determine which magistrate has been assigned to your case. Please go to the Clerk of Courts’ website and look up the case – the magistrate’s name will be in the same area as the judge’s name.
* Second, you must submit an Order of Referral to Judge Evans for entry. Once the order is entered, pursuant to Rule 12.490 of the Family Law Rules of Procedure the opposing party will have ten (10) days to object to the magistrate. Judge Evans will not hold the order for ten days waiting for a response from the opposing party – she will enter the order which then begins the ten-day timeframe for objections.
* Third, once the Order of Referral has been entered, you must contact the magistrate’s office to request hearing time.

You may view the magistrates’ online instructions at [www.ca.cjis20.org](http://www.ca.cjis20.org). If the opposing party objects in a timely fashion, the moving party is responsible for calling Judge Evans’ office to request hearing time.

**Hearing Time**: To schedule a hearing, refer to JACS for available hearing dates and times, coordinate your hearing with opposing counsel or the self-represented party, and e-mail Judge Evans’ Judicial Assistant at jmacalister@ca.cjis20.org to have your hearing placed on the docket. You will receive a confirmation number that is to be placed on the Notice of Hearing. Hearing requests must be submitted in writing to the judicial assistant. Hearing times are available in five (5), ten (10), fifteen (15) and twenty (20) minute durations. Attach copies of the motion(s) to your request as e-filing may take up to seven (7) days to be available for viewing by the Judge. It is not necessary to attach the exhibits to the motion -- only the body of the motion. The Judicial Assistant will reply to the e-mail to all parties and provide extended hearing dates and time to be coordinated amongst one another.

**Hearings 30 minutes or longer** must be requested in writing along with a copy of the motion(s) and the amount of time being requested. You may e-mail your request and attach a .pdf copy of the motion to jmacalister@ca.cjis20.org. It is not necessary that you include the exhibits to the motion. In fact, if the exhibits are voluminous, DO NOT e-mail them with the motion. Be sure to include the telephone number Jennifer should call with available hearing dates. Be sure to request enough time. You will be held to the amount of time you reserve which could result in a continued hearing and, as such, delayed relief, if you don’t ask for enough time.

A party/attorney scheduling a hearing must concurrently notice the matter in conformance with the Florida Rules of Civil Procedure and ensure timely notice is served on all pro se parties and counsel of record in advance of the hearing. The original notice must be filed with the Clerk of Court. A hearing that is evidentiary in nature and involves presentation of evidence (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing on its face.

Except for cancellations, there can be no changes, additions, swapping, or other alterations of the motion calendar. Attempts to accommodate such requests in the past have resulted in unnecessary confusion and inadequate notice to opposing counsel.

**Hearings via telephone** may be permitted if the time needed is 15 minutes or less and if the hearing is non-evidentiary. Please clear the hearing time with Jennifer at 252-8110 then contact CourtCall at 888-882-6878 to coordinate the call-in process.

**Hearings may be coordinated by e-mail:** Jennifer’s preference is to coordinate hearings via e-mail. Copy the opposing party on the e-mail and send it to jmacalister@ca.cjis20.org. Follow the procedures outlined above for submitting a copy of the motion.

**Hearing Confirmations:** On all hearing notices, a hearing confirmation number is given and shall be noted in the caption of your notice of hearing along with the amount of hearing time you have booked for your motion(s) to be heard.

**Hearing Cancellations:** The moving party may cancel his/her hearings up until sixty (60) minutes prior to the start of the hearing. Please be courteous and call Jennifer and the opposing party to advise him/her of the cancellation. Hearings that are being cancelled because of a written stipulation may be cancelled up until the time of the hearing as long as you e-mail Jennifer, copying the opposing party, with a .pdf copy of the signed agreement.

**Emergency Hearings:** Any matter you consider an emergency must be stated in a written motion and filed with the court. Follow the same procedure outlined above for submitting a copy of the motion to Judge Evans. Jennifer will call the moving party with the Judge’s determination and, if the Judge has determined the matter an emergency, will offer hearing times. If the matter relates to a children’s issue, a UCCJEA affidavit must be filed in the court file, either before the emergency motion is filed or contemporaneously with the filing of the motion.

**Ex Parte Motions:** An *ex parte* order is one that is entered without notice to the opposing party and without an opportunity for the opposing party to be heard before the order is entered. Motions for an *ex parte* order must contain specific citations to the legal authority that gives the judge the authority to enter an *ex parte* order in the situation alleged in the motion. Strict compliance with Rule 1.610 of the Florida Rules of Civil Procedure will be required.

**Case Management:** In lieu of appearing at the initial Case Management Conference, the parties may submit an Agreed Case Management Plan and Order. The Agreed Case Management Plan and Order must be complete, signed, and forwarded to Judge Evans at least five (5) days prior to the date of the case management conference. If the Agreed Case Management Plan and Order is approved by the Judge, the clerk will be notified and the case management conference will be cancelled. Agreed Case Management Plans and Orders may be e-mailed to jmacalister@ca.cjis20.org. You may download a blank Agreed Case Management Plan and Order on Judge Evans’ page at [www.ca.cjis20.org](http://www.ca.cjis20.org).

**Orders:** If you are directed to prepare an order, please include in the body of the order 1) the title of the Motion and 2) the date on which the hearing occurred. Proposed orders must be submitted to the opposing party for his/her review and approval prior to being submitted to Judge Evans for entry. If the opposing party does not approve of the form of the order, then the party directed to prepare the order should forward the proposed order to Judge Evans along with the opposing party’s specific objections. Judge Evans will review the proposed order and the objections thereto and decide whether the order can be entered as is, whether it can be entered with changes, or whether a follow-up hearing is necessary. Judge Evans will not hold proposed orders awaiting commentary from the opposing party.

**Notices for Trial:** Upon receipt of a Notice for Trial, the court may schedule and hear the pretrial conference in accordance with our standard pre-trial order. Please include all pertinent information which includes: number of days estimated for your trial, certificate of service with all parties’/attorneys’ complete information, including their mailing address. Do not file a notice for trial until your case is ready for trial.

When a Notice for Trial is filed, the following occurs:

A copy of the Notice is sent from the clerk’s office to the judge’s office.

The case will be set for pretrial and trial in the order that the Notices are filed.

Cases will be assigned a docket number. (For example, Case #1, Case #2)

A pretrial conference will generally be set 2 to 4 weeks prior to the first day of the trial docket.

Trials will generally start on Wednesday of the first trial week and on Monday of the second trial week.

Trials will be scheduled where they fit in the Judge’s docket, not necessarily in order of filing or in accordance with their docket numbers.

**Motions to Continue:** Pursuant to Rule of Judicial Administration 2.545(e), Motions to Continue shall be heard by the judge and not referred to the Magistrate. If the request to continue is granted by the court, the court will require the case to be renoticed for trial in order to be placed on another trial docket. Except for good cause shown, the motions to continue must be signed by the party requesting the continuance.

**Telephone:** Telephone hours are from 9:00 a.m. to 4:00 p.m.

**Memoranda of Law/Trial Briefs/Hearing Briefs** shall be submitted to Judge Evans at least two (20) days prior to the date of the hearing or the first day of the trial period for which your case has been scheduled. Such a memorandum or Brief should not be longer than ten (10) pages and should contain any disputed legal issues for consideration by the court. Please e-mail any such documentation to jmacalister@ca.cjis20.org. Do not attach case law but do make sure your citations are correct in your brief so Judge Evans can look up the cases to which you are referring, if necessary. Do not submit lengthy notebooks with case and law and exhibits to the judge prior to the hearing or the trial. Notebooks which contain case law and exhibits may be presented to the Judge for reference during the trial or hearing.

**Cover Letters are required.** Please do not send motions, orders, memoranda, etc. without a cover letter explaining that which you are requesting from the judge. Always copy the opposing party on any correspondence with Judge Evans.

**“Opposing Party” as referred to herein should be construed to mean “Opposing Party’s attorney” if the opposing party is represented by a lawyer.**