

Margaret O. Steinbeck
Circuit Judge, 20th Judicial Circuit
Lee County Justice Center
1700 Monroe Street
Fort Myers, FL 33901
(239) 335-2412

M E M O

To: All Parties (Counsel and Pro Se Litigants)
Re: General Procedures – Family
Date: August 11, 2004

1. **Hearings.** A motion must be filed *before* scheduling it for hearing. Hearings are limited to the time requested. The party opposing the motion is entitled to equal time; therefore, a party requesting hearing time should determine how much time he or she needs and then double the estimate when calling for hearing time, or, alternatively (and preferably), confer with opposing counsel and agree regarding the time required.

Once a motion is scheduled on the Court's docket, subsequent motions may not be "piggybacked" onto the time reserved for the first motion. Also, hearing time may not, absent prior coordination with the Court's Judicial Assistant and the opposing party, be used to hear other motions in the event the hearing time is not needed for the originally scheduled motion.

NOTE: Leaving a voicemail message for the Judicial Assistant regarding a specific hearing time does not constitute or confirm that the hearing will be placed on the docket. **A HEARING IS NOT PLACED ON THE DOCKET UNTIL VERBAL CONFIRMATION IS MADE BETWEEN THE JUDICIAL ASSISTANT AND THE PARTY SETTING THE HEARING.**

Please call the Court's Judicial Assistant to cancel hearing time as soon as you are aware that the need for hearing time no longer exists and file a Notice of Cancellation. Cancellations only may be faxed to the Judicial Assistant at (239) 335-2264 to be removed from the docket.

If more than one (1) hour is needed, a motion for extended hearing should be filed with the Clerk of Court with a courtesy copy to the judge so that the matter can be placed on the Court's trial docket.

Use of communication equipment (including participation by telephone) is governed by Rule 2.071 of the Florida Judicial Administration Rules. Party/counsel wishing to schedule a telephonic hearing should refer to the memo regarding telephonic hearing procedures on the Court's website at www.ca.cjis20.org¹. **Party/Counsel must file their motion with the Clerk of Court and submit**

¹Procedure forms specific to Judge Steinbeck can be found on the website for the 20th Judicial Circuit, www.ca.cjis20.org. Click on "Lee County," click on "Margaret O. Steinbeck." The Judge's biography and picture will appear. Forms are at the bottom of this page.

their Order on Motion to Appear Telephonically. Said Order can be retrieved from the Court’s website stated above. **The motion must authorize the Court to contact the party “collect” and must provide the Court with the telephone number where movant wishes to be reached at the time of the hearing. Alternatively, movant can mail the Court a “phone card” for the Court to use to contact the movant at the time of the hearing.**

Note: The Court cannot support more than one party appearing by phone at a hearing.

The Court will not be responsible for any parties who cannot be reached or incur any problems with telecommunications that may arise during a telephone hearing, including but not limited to, a party not being able to hear the proceedings.

Pursuant to Rule 2.071(d), testimony may be taken through communication equipment only with the consent of all the parties.

2. **Motions for Rehearing.** A motion for rehearing must be filed with the Clerk of the Court with a courtesy copy forwarded to the judge for review. The judge’s office will notify the moving party if hearing time will be granted.

3. **Motions for Case Management Conference.** Requests for Case Management Conferences must be in the form of a motion, filed with the Clerk of Court and served on opposing counsel/parties. **The motion must specify the issues to be addressed at the conference.**

4. **Emergencies.** “Emergency” motions must be filed with the Clerk of the Court and served upon opposing party, except in those rare cases which permit *ex parte* relief. **The cause of the emergency must be incorporated in the body of the motion.** When filing your motion with the Clerk of Court, it is recommended that you notify the Clerk of Court in a cover letter to file the motion, attach it to the file and forward it to the judge’s office as soon as possible. The Clerk’s Office will not automatically forward the emergency motion to the judge.

A hearing will not be set on an “emergency” basis until the motion has been reviewed by the Court. Upon determination, the Court will issue and serve an order granting or denying the request for emergency hearing time.

5. **Discovery.** All motions requesting compliance with discovery must comply with the Twentieth Judicial Circuit, Judicial Administration Rule 2.20. More specifically, **any motion requesting compliance with discovery requests, such as a motion to compel, should contain in the text of the motion the statement that counsel filing the motion (movant) has made a good faith effort to resolve the issues with opposing counsel/party and the matter cannot be worked out.** The Court’s Judicial Assistant will not schedule hearings on discovery motions without such a statement; and if set by mistake, the Court may not grant the relief requested by the movant.

NOTE: If the Court grants a motion to compel discovery, and there is no sufficient excuse for not complying with the discovery rules, the Court will likely assess a sanction of at least \$250 for attorney’s fees and costs against the party compelled because the discovery rules are self-executing and should not require a Court order to be followed.

6. **Mediation.** In all cases but default, mediation is required before the case will be set on the judge's trial docket.

7. **Trials.** Generally, a trial will be set only after the matter has been mediated to impasse and a Notice for Trial has been filed with the Clerk of Court. **A courtesy copy of the Notice for Trial and the mediation report indicating "impasse" should be forwarded to the judge with stamped envelopes addressed to the parties.** The Notice for Trial should advise the Court of the time required for trial and whether a jury or non-jury trial is requested. Upon receipt of the Notice for Trial, the Court will set the cause on the next available trial docket.

The Court may remove a cause from the "active" trial docket upon written request from either counsel, indicating that the matter has settled or otherwise resolved. A Final Judgment or Notice of Voluntary Dismissal (filed by the Petitioner/Plaintiff) or other final disposition (and final disposition form) must be filed with the Clerk of Court **within thirty (30) days** after written notice to remove the action from the "active" trial docket. Failure to do so may result in sanctions.

A **Petition for Name Change** does not require a trial in order for the Final Judgment to be entered. If a hearing is necessary, the Court will set and notice all parties.

In an **Adoption proceeding**, when counsel or pro se litigant believes the file is complete and ready for the final hearing, counsel/pro se litigant should make written request to the Clerk of the Court to forward the file to the judge for review and setting of a final hearing. If the Court schedules a final hearing, the requesting party is responsible to provide notice of the date and time of the final hearing to all opposing parties/counsel in accordance with Florida Statute 63.122.

8. **Continuances.** Pursuant to Rule 1.440(b), a "notice for trial" announces that the action is at issue and "ready to be set for trial." Continuances to complete discovery or for other reasons that suggest that the action was not ready for trial at the time the "notice for trial" was filed and served will be strongly disfavored.

Pursuant to Rule 2.085(c), Florida Judicial Administration Rules, and Rule 1.460, of the Florida Rules of Civil Procedure, **motions for continuances shall be in writing and must be signed by party, not just their counsel.** The Court must approve stipulations to continue a trial, once the cause has been set on the trial docket.

9. **Uncontested Cases.** **The only case that is "uncontested" is a case in which the respondent/defendant has filed an "Answer and Waiver."** All other cases must have a trial order signed by the Court under Rule 1.440, including cases where default has been entered and cases in which a settlement agreement has been entered but an Answer and Waiver has not.

10. **Default.** After a default, the Court must issue a trial order under Rule 1.440 setting the matter for trial on all issues not determined by the effect of the default. In a dissolution action, all issues not determined by the effect of the default must still be tried and sufficient proof made by the Petitioner even if the Respondent does not appear. **Custody can never be decided by default.** See Memorandum dated March 1, 2001, for additional information on the Court's website at www.ca.cjis20.org².

² Procedure forms specific to Judge Steinbeck can be found on the website for the 20th Judicial Circuit, www.ca.cjis20.org. Click "Enter", Click "Lee County," Click "Margaret O. Steinbeck." The Judge's biography and picture will appear.

11. **Attorney Substitution/Withdrawal.** Pursuant to Rule 2.060(h) of the Florida Judicial Administration Rules, **substitution of counsel requires a Court order and the written consent of the client filed with the Court.** Pursuant to Rule 2.060(i), **attorney withdrawal requires a Court order upon motion and hearing, with notice to the client and adverse parties.** In other words, a hearing is required **unless ALL parties stipulate, in writing, to withdrawal.**
12. **Facsimiles.** The Court will not consider facsimile requests. All documents should be filed with the Clerk of the Court. If a courtesy copy would benefit the Court, it should be forwarded by regular or special mail. Facsimiles are strongly disfavored.
13. **Memorandum of Law.** Any Memorandum of Law or legal authority to be considered by the Court should be provided to the Court **for RECEIPT no later than three (3) business days PRIOR TO the scheduled hearing. FAILURE TO DO SO MAY RESULT IN A CONTINUANCE OF THE SCHEDULED HEARING, or alternatively, the judge will not consider your written argument/legal authority.** All law provided must be either hand delivered (to the Judge's mailbox in the courthouse) or mailed to the Judge's office along with a Certificate of Service showing service on all parties.
14. **Courtroom Decorum.** Counsel should review a copy of Administrative Order 2.13 of this circuit concerning "Standards of Courtroom Decorum," and Administrative Order 2.20, "Standards of Professional Courtesy and Conduct and Establishment of Peer Review Program" and conduct themselves accordingly. Clients should be advised of their obligations pursuant to these Orders before coming to court.
15. View Family Division "B" Weekly Dockets, Docket Sounding and Trial periods, as well as, other procedures by visiting the Twentieth Judicial Circuit's website at www.ca.cjis20.org

Margaret O. Steinbeck (electronically signed)

MARGARET O. STEINBECK, Circuit Judge