

**HON. G. KEITH CARY
FAMILY LAW DIVISION - A
1700 MONROE STREET
FORT MYERS FLORIDA 33901
Telephone Number 239-335-2156
Fax Number –239-335-2264**

HEARING ROOM 18 - FIRST FLOOR

Office Procedures

Scheduling of Hearings: Hearings will be held in Hearing Room #18, First Floor, Lee County Justice Center. All motions must be filed prior to calling the Judge's Office for hearing time. The correct amount of time for the hearing must be requested. The time requested must allow for each party to present argument. If the matter exceeds the amount of requested hearing time, the motion must be re-scheduled and re-noticed.

All hearing times must be coordinated with opposing counsel. Hearing time and dates **MUST** be confirmed with the Judge's Office. This must be a verbal confirmation, please do not leave a voice mail to confirm a hearing date and time. The hearing will not be placed on the Judge's calendar until a verbal confirmation is made with this office.

No additional motions or change in motions may be noticed for hearing without prior confirmation with the Judge's Office. Please do not file an amended hearing notice without confirming this change with the Judge's Office.

Additions/Cancellations to the Motions/Hearing time: Only the party that has scheduled the hearing may cancel it. The party that has scheduled the hearing may make additions to the hearing time, if the additional motion can be heard in the time that has been reserved. If an opposing party is requesting to add a motion to hearing time that they have not reserved, they will need to obtain approval from the scheduling party to share time. Any changes to the hearing time, must be cleared with the Judge's office. Hearings notices should only reflect what has been scheduled with the Judge's Office. Any changes must be calendared on the Judge's schedule.

Please notify the Judge's Office as soon as possible of a cancellation of a hearing.

Emergency Hearing Time: All requests for Emergency Hearings must be submitted in writing to the Judges Office before scheduling. You may Mail, Fax, or hand deliver your request. Once the Judge has reviewed the request this office will contact the party requesting the hearing with the judge's decision. At this hearing, the Court will address only those issues raised by the motion. It is the responsibility of the party requesting the emergency hearing to make every effort to coordinate the hearing time with the opposing party. Notices of emergency hearing will be provided to all other parties in the most expeditious method available.

Longer Hearings: All requests for hearings in excess of one (1) hour must be submitted in writing to the Judges office. A copy of the motion should be filed with the clerk and a courtesy copy provided to the judge. The judge will review the request and the office will contact the requesting party for scheduling purposes. Depending on the length of time being requested, the matter may be scheduled on the court's trial docket.

Telephonic Hearings: Are permitted for short hearings. Please notify the Judge's Office at the time that the hearing is scheduled of the request for telephone appearance and the telephone number of the party appearing by telephone as the Judge will initiate the call from the courtroom. The party requesting the telephonic appearance must furnish a telephone number that they may be contacted by "collect call". The Court will not be responsible for any party that cannot be reached or any problem that may occur for this telephonic appearance.

At this time the Court's technology will only permit one party to appear at a hearing via telephone. If the hearing will require a conference, you will need to contact the judicial assistant to obtain the Court's permission and make arrangements for this hearing.

Witness Testimony by Telephone: Witness testimony by telephonic appearance may occur only with the consent of all of the parties. *See Rule (2.071 (d) Florida Rules of Judicial Administration)* Failure to attain the necessary consent will disallow the testimony. At the time of the hearing, the witness, testifying by telephonic appearance, must have a commissioned notary public present for identification purposes and for the administration of the oath to the witness.

Cancellation of Hearings: You must contact the Judge's office if you are canceling a hearing. If you cannot reach the office by telephone with this information, fax a Cancellation Notice to 239-335-2264. Filing a notification of the cancellation of the hearing with the clerk's office will not remove the matter from the hearing docket and an appearance will be required at the date and time scheduled.

Post Judgment Hearings: All motions seeking to enforce, compel performance, request sanctions or for similar relief are to be mediated prior to being heard by the Court. **Please do not attempt to schedule these matter with the judge's office without mediation.**

All Supplemental Petitions are to be mediated prior to being heard by the Court: A copy of the motion must be sent to mediation for screening and scheduling. If the matter reaches an impasse at mediation or is determined through screening that it is deemed inappropriate for mediation the mediation department will advise the Judge's office and the parties to set the matter for hearing.

Temporary Relief Hearings: The parties must attend case management prior to appearing for a temporary relief hearing. To avoid delays, a hearing may be scheduled with the Judge's office as long as there is a case management conference scheduled prior to the hearing date. If the parties reach an agreement at case management, it will be the responsibility of the attorney that scheduled the Temporary Relief hearing to advise the Court that the hearing is cancelled.

Domestic/Repeat Violence Hearings: If hearing time is being requested for a Domestic, Repeat, Sexual or Dating Violence matter, you will need to contact the DV Unit (239-225-2884) for scheduling. The Judge's Office does not schedule hearings for these matters.

Motions for Rehearing: A motion for rehearing must be filed with clerk with a courtesy copy being provided to the Judge's office. The Judge's Office will notify the party requesting the rehearing if the rehearing will be heard by the Court.

Requests for Case Management: Must be filed in the form of a motion and copies provided to opposing counsel. A courtesy copy must be provided to the Judge's Office. The motion for case management must provide the issues that will be addressed at the case management conference. Upon review, the Judge's Office will contact the party requesting the conference for scheduling.

NOTICES FOR TRIAL

All cases that are noticed for trial (except default cases) must have completed mediation prior to noticing the matter for trial. The Attorney that is requesting the trial must attach a copy of the Mediator's report indicating an impasse or partial settlement to the Notice for Trial and supply that information to the Judge's Office to obtain a trial date. Any notices supplied to this office from the Clerk of the Court will not generate a trial notice.

Mediation must have occurred no more than 6 months prior to the trial notice.

Please supply the Notice for trial with the mediation report attached and stamped envelopes for the mailing of the copies to the appropriate parties. This office will generate the trial order.

Trial Schedule: Parties will receive the date and time certain for their trial at docket sounding.

Motions for Continuance: All Motions for continuance must be heard no later than 1-week prior to trial. If a motion is granted, the Case will be continued and removed from the trial docket. It will not be rescheduled for trial until one of the parties re-notices the matter. Stipulations will be considered joint motions for continuance and will be handled as stated above.

Pre – Trial Requirements: A Pre-trial disclosure of evidence and witnesses shall be made by the parties. No later than 15 days prior to trial, each party shall file with the Clerk of the Court and serve to opposing counsel a complete witness list.

Pre –Trial Stipulation - Attached to each trial order is a pre-trial stipulation that must be filed no later than 7 days prior to the trial with the Clerk of the Court, The Judge's Office and opposing counsel.

All motions requesting compliance with discovery should contain a statement that counsel filing the motion has made a good faith effort to resolve the issue. Non-compliance with discovery rules without a satisfactory excuse may result in the Court assessing sanctions against the compelled party. Discovery should not require a court order.

All parties shall comply with all of the terms of the Court's Order Setting Trial Date. No exceptions will be made.

Please note that it is the responsibility of each party to pre-mark exhibits for trial and furnish a corresponding list to the trial clerk.

No Motions will be heard on the day of trial or at docket sounding. Any Motions that will need to be heard prior to trial must be scheduled as any other motion.

If the parties reach a settlement for a matter that has been set for trial and the matter is to be removed from the trial docket, a notice reflecting this information should be furnished to the Judge's office as soon as possible.

ORDERS/JUDGMENTS

A cover letter is required for all orders/judgments presented to the Judge's office for review and signature. Please include all necessary information in your cover letter, i.e., date heard by Court, type of order, any pertinent information.

Orders that are prepared from a hearing must be presented to opposing counsel for agreement or objection prior to the order being presented for signature. Please indicate in the cover letter the date that the order was provided to opposing counsel. The order should not be submitted to the Judge's Office until all counsel have approved the content.

Objections to Proposed Orders Any objections to an order must be made in writing. The Judge's Office will make note of an objection by opposing counsel, however a written objection must be received within 3 days of the verbal notification.

Petition for Name Change: This procedure does not require a trial for the final judgment of change of name to be entered. If, the Court decides that a hearing will be necessary, the Court will schedule the hearing and notice all parties.

Uncontested Cases: The Court will review a file for Dissolution of Marriage and enter a final judgment of Dissolution when all necessary documents have been filed with the Clerk of the Court and a Final Judgment has been presented for signature.

Default Matters: Once a default has been entered the matter must be noticed for trial. Once the notice is received the Court will schedule the matter on the next available default trial date.

Attorney Substitution or Withdrawal: Substitution or the Withdrawal of an Attorney of record requires the written consent of the client to be filed with the Court. If the written consent of the client is not provided, the matter must be set for hearing with notice to all parties and counsel of record.

Susan Kellum – Judicial Assistant – 239-335-2156
Sharon Strauss – Trial Clerk - 239-335-2384