

**OFFICE OF CIRCUIT JUDGE
JAMES W. CHANDLER**

COLLIER COUNTY COURTHOUSE
3315 Tamiami Trail East, Suite 305
Naples, Florida 34112
Telephone: 239-252-8116

UNIFIED FAMILY COURT POLICIES & PROCEDURES
HONORABLE JAMES W. CHANDLER

1. PROFESSIONALISM AND CIVILITY REQUIRED IN ALL CASES

In accordance with the direction from the Florida Supreme Court, this Court shall require professionalism and civility from the litigants in all cases. Lawyers must adhere at all times to the Florida Rules of Professional Conduct and the Oath of Admission to practice law in the State of Florida. Self-Represented parties must follow the same rules, procedures and laws that lawyers must follow in court. Self-represented parties are not entitled to any special treatment merely because they are not represented by counsel. Everyone in the courtroom is expected to conduct themselves with civility as to everyone else. The Court shall not tolerate the failure to adhere to the standards and sanctions may be imposed as well as referral to appropriate disciplinary authorities, if necessary.

2. COMMUNICATIONS WITH THE COURT

Please review these *Policies and Procedures* before contacting the Judicial Assistant (hereinafter "JA") at to avoid unnecessary questions. Self-Represented litigants should only email with the Court's or the JA's permission.

Telephone hours are from 8:30 a.m. to 4:30 p.m. (with the exception of 12-12:30 for lunch) Due to the high volume of phone calls the family division receives, you will unlikely reach the JA in person. Therefore, when calling and leaving a voice mail, please state your name, case number, telephone number (including extension number) and a brief message. It is not necessary for the JA to call back to confirm that your message was received. Calls of that nature are not returned.

Please note e-mail is the preferred method of communication (and copy all parties/counsel to avoid ex parte communications). You may email his Judicial Assistant at JJaimes@ca.cjis20.org. Emails are checked frequently and generally returned on a daily basis.

Correspondence to the Judge from a party is considered ex-parte communication and cannot be read by the Judge. **Do not mail letters to the Judge. Do not mail original documents to the Judge's office for filing.** Proposed orders submitted to the Court via the E-filing Portal, where there has not been a prior hearing must include: a stipulation or cover letter informing the Court that the proposed order has been reviewed and approved by opposing counsel.

Inquiries About Cases

Before contacting the JA about the status of a case or pending order, attorneys and their staff and self-represented parties should first review the Clerk of Court's records for the case. Before contacting the JA about the scheduling of hearings or whether hearings shall be conducted remotely or in person, attorneys and their staff and self-represented parties should first follow the requirements set forth below for said hearings.

Unsolicited Communications from non-parties

Unsolicited communications from non-parties will not be read by the Court. However, they will be filed in the record and copies provided to the parties.

3. SCHEDULING HEARINGS

Zoom

All evidentiary hearings and trials scheduled to be heard will be conducted as **in-person proceedings**, irrespective of whether the parties and counsel stipulate to remote appearances.

Requests for remote appearances will be addressed on a case-by-case basis by a timely motion being filed at time the hearing is noticed for hearing, and requires good cause shown, and an additional hearing on the motion for zoom may be necessary.

Motions for remote appearances in trials shall be presented no later than the pretrial conference. Any such motions filed after pretrial conference shall only be heard and granted if agreed to or, if not agreed to, if they are based on unanticipated circumstances that could not have been foreseen despite the exercise of due diligence.

Filing Motions

All motions must be filed with the Clerk prior to requesting hearing time. The motion must be visible in the Clerk's electronic file prior to requesting hearing time. Do not email the JA for hearing time until the motion has been scanned into the Clerk's file and appears in ShowCase with the Clerk of Court.

Length of Hearings

Attorneys are not permitted to schedule back-to-back hearings in order to acquire a longer block of hearing time. Any hearing scheduled in this manner will be canceled. It is recommended that 5-minute time slots be used for motions to withdraw, compel discovery, uncontested final hearings, or other brief matters.

A Motion for Temporary Relief regarding children's issues **MUST** be mediated prior to a hearing being held (See Standing Order for Domestic Relations with Children –paragraph 2).

Unless stated otherwise, hearings of 60 minutes and under (**not including:** Adoption, Simplified

Name Changes and Domestic Violence hearings) may be held via Zoom. When requesting hearing time, please advise if you require an in-person hearing. Counsel and pro se parties must agree to a date/time prior to responding to the Court for a hearing time. If there is a disagreement, the Court may unilaterally set the case for a hearing based on the Court's availability.

Hearings of more than 60 minutes must be in person. Hearings are limited to the time reserved. 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 timely e-filed with the Clerk of Court. A hearing notice for all hearings that will be evidentiary in nature and involving presentation of evidence (affidavits, testimony, exhibits, etc.) shall clearly indicate its an evidentiary hearing.

Submitted Evidence: The Court requires a copy of all exhibits tabbed in a binder, separate from what is submitted to the Clerk. If your hearing is in person, please bring the binder to court with you. If your hearing is via Zoom, please deliver the binder to the Judge's mailbox in Court Administration no later than 48 hours before the hearing. The Clerk does not want binders submitted to it for evidence. It is the party's responsibility to have the evidence properly filed. Please contact the Clerk of Court for further information at (239) 252-2646.

Notices of Hearing

A Notice of Hearing must be filed after reserving hearing time through the JA. Please reference: (1) **the date** the pending motion was filed with the Clerk; and/or (2) the docket number assigned when e-filed. **The notice of hearing must include the confirmation number that was provided by the JA.** This information helps the Court quickly find the matter set for hearing.

Time Reserved

Hearings are limited to the time reserved. The opposing party is entitled to equal time. Accordingly, the party reserving and scheduling the hearing date and time shall confer with opposing counsel and attempt to agree to the actual total time needed and requested. If counsel cannot agree to the total time needed for the hearing, counsel shall: Mail or hand deliver the JA a hard copy cover letter explaining the time requested as well as a hard copy of the motion(s) involved in the hearing request. The Court shall then promptly make a decision as to the total hearing time to be afforded.

If the parties do not adhere to the time reserved for the hearing, the Court shall stop the hearing at the end of the allotted time. The parties' hearing will be rescheduled to a later date for completion of the hearing. The parties shall have the responsibility of coordinating the new date and time with the Court and between themselves. Such rescheduled hearings will not displace other scheduled hearings merely because the rescheduled date is to finish the hearing.

No Cross Notices, Substitutions or adding of motions

Once a motion has been set for hearing, additional motions may not be "crossed-noticed," substituted or added on during the time reserved for the original motion without express consent of opposing counsel and the Court. **The scheduling party should be contacted for consent before seeking the Court's approval to add additional motions.**

Canceling Hearings

Hearings Set for 60 minutes or less: Please notify the Court of cancellations as soon as possible to make that time available for other hearings. A Notice of Cancellation of Hearing must be filed with the Clerk and a courtesy copy of the Notice provided to the JA via email. Your hearing will *not* be canceled on the Judge's docket until the JA is in receipt of the courtesy copy.

Hearings Set for more than 60 minutes: The Court will not honor any Notices of Cancellation for hearings 60 minutes or more in length, unless the issue set for hearing has been resolved by written agreement and filed in the court file.

5. SPECIFIC MOTIONS AND HEARINGS Emergency, Expedited or Urgent Motions

All Emergency, Expedited or Urgent motions must first be filed and viewable with the Clerk's ShowCase system. A copy of the motion and a cover letter must be provided to the Court and the opposing parties shall be copied with the documents (unless the motion is a lawfully authorized ex-parte motion). The judge will review the motion to determine if there is an emergency. If so, the judge will decide how to address the emergency with an order to show cause, expedited hearing time, or other appropriate relief. If there is no emergency, hearing time in the ordinary course will be given. All emergency motions must be sworn to and signed by the party. If the emergency relates to a children's issue, a UCCJEA affidavit must accompany the motion. Please see "So you think there is a Family Law Emergency" by the Honorable Lee Ann Schreiber in the Downloads. If a true emergency exists that places a child's health, safety or welfare in danger please call 911 or contact the Department of Children and Families.

Motions for Relocation

Relocation hearing requests are time sensitive. When a Motion for Relocation is filed (After a Petition for Relocation is filed), counsel must simultaneously email a copy of the motion to the Court and contact the Judge's office for hearing time. Requests must be timely made if statutory hearing time is requested.

Motions to Continue

All motions must be in writing and must state the reasons for the continuance request.

6. MAGISTRATES

In the Family Division, **parties are encouraged to schedule hearings before the Magistrate.** The Magistrate assigned to Judge Chandler is Magistrate Maria Dene. Generally, evidentiary hearings can be heard by the magistrate at an earlier date than if the matter is heard by the Judge. Before submitting an Order of Referral to Judge Chandler's office, the moving party should confirm that the opposing party will consent to the use of a magistrate for that motion or hearing.

When submitting the proposed Order of Referral, the cover letter to Judge Chandler shall state whether the opposing party consents to the magistrate hearing the matter.

The following matters may be heard by **Magistrate Dente**: Motions to Compel Discovery, Motions for Protective Order, Motions for Sanctions, Motions for Contempt (or Enforcement), Motions for Attorney's Fees, Motions for Temporary Relief, Motions to Amend Pleadings,

Motions to Withdraw, Petitions to Relocate, and Petitions to Modify Final Judgment and Final Hearings. In cases where there is a self- represented party or parties, the magistrate may also hear Status/Case Management Conference, Pretrial Conference and Trial (Final Hearing).

DO NOT SET A HEARING WITH THE MAGISTRATE UNTIL THE ORDER OF REFERRAL HAS BEEN ENTERED BY THE COURT.

For any matter referred to a Magistrate please refer to the Magistrate Dente online instructions located at the Collier Magistrate's link for the Twentieth Judicial Circuit. ([Magistrate Dente Page](#)).

If a party files a written objection to the referral to a magistrate prior to the hearing, the hearing should be reset on Judge Chandler's calendar.

7. NOTICES FOR TRIAL

Upon receiving a Notice for Trial, the Court will schedule and hear the pretrial conference in accordance with the Court's standard pre-trial order. Please include all pertinent information which includes: number of days estimated for your trial; whether a motion for any remote appearances at trial has been filed; and a certificate of service with all parties/attorneys complete information, including their mailing addresses. **DO NOT FILE YOUR NOTICE FOR TRIAL UNTIL YOUR CASE IS READY FOR TRIAL.**

TRIAL DOCKETS: When a Notice for Trial is filed the following occurs:

1. A copy of the notice is sent from the Clerk's office to the Judge's office.
2. The case will be set for pretrial conference and trial in the order that the Notices for Trial are filed. **IN ALL CASES MEDIATION MUST BE COMPLETED PRIOR TO THE PRETRIAL CONFERENCE.**
3. The pretrial conference will generally be set on the next available docket. Once your case is scheduled for trial, it is the responsibility of the lawyers to keep the Judge's office informed as to the progress and status of the case. The Court shall not contact the lawyers on a trial docket to check the status of each case prior to trial. **The Court hereby requires the parties/lawyers to immediately inform the Court's JA when a case is settled or otherwise to be disposed of without the need for the trial.** In general, the sooner you prepare your case for trial, the sooner you will be assigned a trial date.

Once placed on a trial docket, the Court shall attempt to adhere to the published schedule. However, the Court always reserves the power to change the published schedule in order to address competing priorities for the Court's trial availability.

8. ORDERS PRESENTED AFTER HEARINGS

The Court will not hold orders pending objections from opposing counsel. Your options are:

- a. Be prepared at the hearing with a proposed order and appropriate copies.
- b. If you cannot agree on the language in the order at the time of hearing, you should:
 1. Consult with opposing counsel and work out an acceptable order on blank forms provided by the Court. You may return the agreed order to the Clerk, and it will be executed the same day.
 2. Submit a stipulated order through the portal after the hearing with a cover letter that opposing counsel has reviewed the order presented and has no objection. If the other side is self-represented, you must state in the cover letter if you have served the self-represented party with a copy.

All orders must reflect the date on which the matter was heard. The title of the order must reflect and identify the matter heard (e.g., Order on Motion for Temporary Relief) and the corresponding docket number of the Motion being ruled upon. (e.g., Motion for Temporary Relief docket number 66). Orders submitted that are not stipulated or agreed to by all counsel **will be returned or rejected** unexecuted to the party presenting the order. If you cannot reach opposing counsel, keep trying. This is not an acceptable reason for submitting an order without prior review by opposing counsel. If opposing counsel refuses to be available or cooperate or does not agree or stipulate to the form or content of the order, please advise the Judge in writing. The Judge will then review all proposed orders and enter whatever order the Court deems appropriate; or, if necessary, schedule another hearing regarding the form or content of the order to be entered.

Agreed Orders: Agreed Orders shall be submitted via the e-portal. In the cover letter, please include language that the order is agreed to. All orders without this language will be deleted. When uploading the order, please make sure all parties are added to the service list, including pro se parties. Please do not submit orders through the e-portal, and do not submit duplicates through the portal.

9. JUDGMENTS AND ORDERS AFTER THE COMPLETION OF TRIALS. At the completion of a trial, the Court shall endeavor to make an oral ruling on the main points litigated before the case is adjourned. The Court will then direct either the Petitioner/moving party or the prevailing party to prepare a proposed order consistent with the oral ruling. The Court reserves the right to change or add to any of the terms of the oral ruling in the final written judgment/order. If the Court is not able to provide an oral ruling after the completion of the trial and before adjuring the case, the Court will take the matter under advisement and schedule a prompt future hearing date (usually via Zoom) at which it will announce the Court's oral ruling. At that point, once again, the Court will direct the prevailing party to prepare a proposed order. All proposed judgments and orders must be provided to opposing counsel prior to submittal to the Court. If opposing counsel refuses to cooperate or does not agree or stipulate to the form or content of the judgment/order, please advise the Judge in writing.

10. MOTIONS FOR REHEARING/NEW TRIAL/TO ADVANCE CASE. Motions for Rehearing, New Trial and to Advance Case must be timely filed and submitted in writing. Judge Chandler will then decide whether a hearing or new trial will be granted. Please send a courtesy copy of the motion directly to the Judge's chambers with a cover letter. The Clerk does not routinely forward motions to the Judge's office. **Motions filed with the Clerk may not be seen by the Court.**

The Judge reviews any motions to advance on trial docket without hearing. Please submit a copy of your motion with a cover letter and you will receive notice of the judge's decision.

11. CHILD TESTIMONY. Testimony from children is not permitted unless the Court grants permission after a hearing on a Motion to Allow Minor Testimony prior to trial. *Please refer to and read the Adverse Childhood Experiences* article under the family documents tab. **DO NOT** bring children to the courthouse without prior Court approval. Fla. R. Fam. P. 12.407. Motions

to Allow Minor Testimony WILL NOT be heard on trial day.

Thank you for reading and for your cooperation.