Judicial Practices and Procedures

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Table of Contents

A. Communications with the Judicial Office 1
B. Scheduling Procedures 2
C. Remote Appearance 3
D. Submission of Orders and Judgments 4
E. Emergency and Other Urgent Matters 4
F. Exhibits for Evidentiary Proceedings 5
G. Pretrial Procedures and Conferences 5
H. Setting Case for Trial 6
I. Other Division Procedures 7

A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by phone or e-mail to the Judicial Assistant. When emailing or leaving a voice message, please include the party name, case number and brief description of the purpose of communication.

- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.
    - Please note that the Judge cannot consider any letters, statements, or other information about the case without the involvement of the other party. Any information sent to the Judge on behalf of a party will be filed in the Court file and made part of the record. They will

not be considered by the Judge unless appropriately and legally presented.
    - The Judge cannot talk to any party on the phone, email, or otherwise outside of Court regarding any pending cases.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.

- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.

- **Response to Inquiries:** Neither the Judge, nor the Judicial Assistant, can give any party legal advice or guide them with their case including what motions to file on their behalf.

    - If you are a self-represented litigant and cannot afford an attorney, please contact Florida Rural Legal Services at 239-334-4554, Lee County Legal Aid at 239-334-6118, or make an appointment at the Self Help Center at Self-Help Center - Lee County Legal Aid Society, to speak to an attorney.
    - For Criminal Cases, you must proceed in person to the Lee County Justice Center, 3rd Floor, 1700 Monroe Street, Fort Myers, FL 33901, to get screened for the services of the Public Defender.

- **Other Communication Procedures:** Repeated or Harassing communication with the Judge or Judicial Assistant will go unanswered. Any harassing communication which is perceived as a credible threat will be forwarded to the appropriate investigative agency.

B. Scheduling Procedures

- **Court Schedule:** All Lee County "criminal" Judges are on a six-week rotation. Please refer to The 20th Judicial Circuit website under "my court schedule" to determine what week the Court is in. https://www.ca.cjis20.org/schedules/docketopt.asp?judgeID=53
    - All Mondays (except arraignment week) are reserved for pleas, criminal hearings, and violations of probation.
    - For Small Claims, Traffic Offenses, or Ordinance Offenses, please contact the Judicial Assistant for scheduling.

- **Scheduling Hearings:** Hearings must be scheduled through the Judicial Assistant. Please call or email for any hearing time. All Motions must be filed and viewable in the Court file before hearing time will be given.

- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance must list the judicial Zoom credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- **Submission Deadlines:** For Small Claims cases, all evidence must be provided to the other side at least ten (10) days prior to trial and a copy filed in the court file at least five (5) days prior to trial. It is the parties' responsibility to ensure the Court can view any filings. Any photographs, audio, or video must be clear in the Court file, or a courtesy copy should be sent to the Judge.

    - For all other cases, refer to the appropriate Rules of Procedure.

- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five days prior to the scheduled court date, except for good cause shown.

    - For Criminal Cases, the Court will allow two (2) docket sounding continuances without good cause and with a waiver of speedy trial by the defense. For any subsequent or prolonged continuances, the parties shall appear before the Judge to establish "good cause" for said request.

- **Cancelling Hearings:** You must cancel hearings by notifying the judicial assistant immediately. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.

C. Remote Appearance

- **Remote Appearance Procedure:** All Private Attorney Criminal Docket Sounding Hearings, Small Claims Hearings, Traffic, and Ordinance hearings are conducted remotely. All other hearings are done in-person.
    - The Court disfavors a hybrid virtual courtroom for large dockets. Should a party or attorney wish to appear remotely at an otherwise "in-person" session, a Motion to Appear Remotely shall be filed within five (5) days of the hearing and a proposed order must be provided to the Court through the eportal. For large dockets, any

parties or attorneys appearing remotely will be called last.
    - For evidentiary hearings, to request a remote appearance, the parties shall follow Fla. R. Gen. Prac. & Jud. Admin 2.530. The parties must Motion the Court with "reasonable" advanced notice allowing at least ten (10) days for any objections. The Motion/Notice shall be provided to all parties and shall include the specific form of communication technology to be used and directions for access to the communication technology must be provided.
    - A phone call or email to the Judicial Assistant prior to the hearing will NOT be considered by the Court as a valid request to appear remotely.

- **Platform Used:** The court uses Zoom for remote appearances. **(NO PASSCODES)**
    - For all Trials/Hearings conducted remotely, please utilize the following: https://zoom.us/j/2345471022 (Meeting ID 2345471022)
    - For Small Claims Pretrial Conferences, please utilize the following: https://zoom.us/j/4090526226 (Meeting ID 409 052 6226)
    - For Traffic Court Pretrial Conferences, please utilize the following: https://zoom.us/j/4454354040 (Meeting ID 445 435 4040)
    - Via Phone: 1-786-635-1003 US (Miami). Have meeting ID ready.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in Word format.

- **Submission Method:** E-Filing Portal

- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing unless otherwise stated in court. This includes when coverage counsel is appearing for any party.

E. Emergencies and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.

- **Scheduling:** If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the court. All parties shall make themselves available for the emergency hearing, barring exigent

circumstances.

- **Other Procedures Relating to Emergency and Other Urgent Matters:** Please contact the Judicial Assistant immediately upon filing any emergency motions.

F. Exhibits for Evidentiary Proceedings

- **Submission Method:** For Small Claims, Traffic and Ordinance cases, the parties shall submit all exhibits to the Clerk either electronically through the e-portal or filed in person.

- **Deadline for Submissions:** All exhibits must be filed with the clerk at least five (5) days prior to the hearing unless otherwise directed by the Court

- **Other Procedures Relating to Exhibits for Evidentiary Proceedings:** For Criminal Hearings, the parties are required to follow the Rules of Criminal Procedure for disclosure and discovery issues.

G. Pretrial Procedures and Conferences

- **Case Management Conference:** Any party may request a case management conference (CMC) when a case requires. The court strongly encourages the early use of CMC in more complex cases, multiple-party litigation, or any case that might benefit from court intervention. Unless excused by the court in advance, all CMCs are mandatory for attorneys (NOT COVERAGE COUNSEL) and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.

    - The Court will not typically set a Case Management Conference for any cases unless requested by the parties.

- **Docket Sounding:** For criminal docket soundings, all defendants represented by a private attorney will be conducted remotely (see Remote Appearance above). Pro Se and Public Defender docket sounding dates will be in-person. Mandatory Court Appearance.

H. Setting Case for Trial

- **Procedure:** For Small Claims and Traffic Trials, the Court will set the cause for trial at the pretrial conference.

    - For Criminal Trials, they will first be set at a "Trial Call" docket. If both parties are ready for trial, the case will be set at the first day of a two-week trial period beginning the Tuesday of trial period (appx. three weeks after the Trial Call). The cases will roll in priority based upon custody status, speedy trial issues, and then age of cases.

- **Notice Period:** For criminal trials, the Court does not set date-certain trials unless good cause is shown. After the Trial Call, the Court will assign a priority to cases as indicated in the above paragraph. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period.

- **Other Procedures for Setting Case for Trial:**

    - For Criminal Cases, the Court will not accept a plea on the date of the trial unless good cause is shown. The parties are directed to notify the Judicial Assistant to move the case to a plea docket. If the parties notify the Judicial Assistant by 4:00 p.m. the day prior to the trial date, the Court will allow a plea on the date of trial.

    - For Small Claims cases, the parties are directed to notify the Judicial Assistant as soon as a settlement is reached. Any settlement documentation must be provided to the Court forthwith.

I. Other Division Procedures

- **ADA Accommodations:**

AMERICANS WITH DISABILITIES ACT NOTICE:

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator, Court Administration, 1700 Monroe Street, Annex Suite 101, Fort Myers, FL 33901, (239) 533-1771, at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

- **Interpreter Requests:** If an interpreter is needed for a hearing or trial, please contact the interpreter's office and fill out any required forms at Court Interpreter Request Form.