

PROCEDURES FOR MATTERS REFERRED TO FAMILY MAGISTRATES

Scheduling a Hearing on a Motion

An Order of Referral to the Magistrate must be filed with the Clerk of Court, simultaneously with your Motion(s), and copies forwarded to all parties of record. [Order of Referral to Family Magistrate](#)

Thereafter, all parties shall have ten (10) days to file an objection to the referral with the Clerk of Court. If no objection is filed, you may then contact the Judge's respective Magistrate to coordinate a hearing time. Once a time has been set, a Notice of Hearing must be prepared by the moving party and filed with the Clerk of Court, with copies forwarded to all parties of record. A courtesy copy of the Notice of Hearing only must be faxed to the Magistrate's office. All hearings will be heard in the Magistrates' assigned Courtrooms as listed herein. Attorneys and their staff must coordinate their hearings via e-mail and prepare their own Notice of Hearing.

NOTE: Pursuant to Florida Family Law RCP 12.40(b)(3), all Orders of Referral must be Magistrate specific to which division he or she is assigned.

Objection to Magistrate

If a party objects to the Magistrate, an Objection to Magistrate must be filed with the Clerk of Court, with courtesy copy of the Objection forwarded to the Magistrate's office, so the hearing or trial may be removed from the docket. Please be diligent in forwarding a courtesy copy, as this will allow others to utilize the time previously set aside for your hearing or trial.

Expedited Hearings

An expedited hearing on a Motion shall only be determined by the assigned Judge. If the assigned Judge does not refer your Motion to the Judge's respective Magistrate for an expedited hearing time, you will be provided normal, customary hearing dates.

Canceling a Hearing

To cancel a hearing, you must fax or e-mail a Notice of Cancellation in order for the hearing to be removed from the docket. To insure that your Notice of Cancellation is received, it is best to send it via facsimile, in the event the Magistrate's assistant is out-of-the-office. The Magistrates' assistants' e-mails are not monitored during their absence.

NOTE: Only the moving party may cancel a hearing.

Procedures for Scheduling Trials

To obtain a trial date, a Notice of Trial must be filed with the Clerk of Court. The Clerk of Court will then forward a copy to the assigned Judge. The assigned Judge will determine if the case is to be referred to the Magistrate and then forward the information to the assigned Case Manager for a case review. If the case has been referred to the Magistrate, the assigned Case Manager will then contact the assigned Magistrate's office with direction to schedule a trial.

If the trial time requested is less than two hours, the Magistrate Assistant will then contact the attorneys of record via e-mail to coordinate an agreed trial date and time. Attorneys and their staff must coordinate their trials via e-mail. The Magistrate's Assistant will prepare all Notices of Trial once a date has been coordinated.

Settlement

If your case has reached a settlement, you must e-mail a copy of the executed Agreement to the Magistrate's Assistant and submit your proposed Final Judgment. The Magistrate will decide if the case is to be removed from the docket. Only the Judge or Magistrate may cancel a trial.

Note: You may fax the Agreement if it is ten pages or less.

Preparation of Recommended Orders

After a hearing or trial, the Magistrate will prepare a Recommended Order. If a party is requested to prepare a Recommended Order for the Magistrate, the proposed Recommended Order shall be e-mailed in **Word format only** to the Magistrate's Assistant.

Upon receipt of the signed Recommended Order and Order Adopting the Recommended Order, the parties shall have 10 days from the date of the entry of the order, within which to file a motion to vacate. If a motion to vacate is filed the party filing the motion is responsible for obtaining a transcript of the hearing for review by the Circuit Court Judge and shall provide a Motion For Rehearing (but not the transcript) to the Magistrate's Office.

Orders and Final Judgments

Magistrates are not authorized to sign an Order or Final Judgment. The Order/Final Judgment Adopting a Magistrate's Recommended Order will be prepared by the Magistrate's office and forwarded to the assigned Circuit Court Judge.

Note: Do not send Orders or Final Judgments to the Magistrates to sign. Do not send Orders or Final Judgments to Adopt a Magistrate Report directly to the assigned Judge.

CONTACT INFORMATION FOR THE OFFICE OF THE
FAMILY LAW MAGISTRATE

Mailing Address: Twentieth Judicial Circuit
Office of the Magistrates
Lee County Justice Center Complex
1700 Monroe Street
Ft. Myers, Florida 33901
Attention: Magistrate _____

Personal Delivery: Lee County Justice Center,
Magistrate Mailbox 2nd Floor Mailroom

Telephone Number: (239) 533-3343 (for general public)

Facsimile Number: (239) 485-2999

Magistrate Bernard T. King
Courtroom 4E (4th Floor)

Assistant: Latoya White
lwhite@ca.cjis20.org

533-2629*
*(Law firms only)

Referring Judges

Judge Carolyn Swift
Judicial Assistant: Ivelisse Miller
Case Manager: Tina Baginski
Division A

Judge John S. Carlin
Judicial Assistant: Beth Nichols
Case Manager: Cassidy Ruckel
Division B

Docket Sounding- Usually the 3rd Wednesday of every month with a trial period of the following month.

Magistrate Stephen L. Studybaker
Courtroom 4C (4th Floor)

Assistant: Denise Miller
dmiller@ca.cjis20.org

533-2638*
*(Law firms only)

Referring Judges

Judge Elisabeth Adams
Judicial Assistant: Anne Santana
Case Manager: Erica Guerrero

Division C

Docket Sounding- Usually the last Monday of every other month.

Magistrate Christopher Whitney
Courtroom 4F (4th Floor)

Assistant: Miriam Rose
mrose@ca.cjis20.org

533-2634*
*(Law firms only)

Referring Judges

Judge Trent Reichling
Judicial Assistant: Lucinda
Thompson
Case Manager: Andrea
Schireman

Division N

Judge Amy R Hawthorne
Judicial Assistant: Courtney Lewis
Case Manager: Tina Baginski

Division U