

PRACTICES AND PROCEDURES¹

LEON COUNTY CIRCUIT COURT Family Division

Andrew B. King, Circuit Judge

INTRODUCTION

The Rules of Judicial Administration encourage the speedy, just, and inexpensive resolution of cases. These rules require the trial court to monitor and manage its docket to achieve this goal. In furtherance of this goal, information on the Judge's Practices and Procedures is provided for the benefit of attorneys and parties appearing before Judge King.

SECTION 1 - COMMUNICATION WITH THE JUDGE'S OFFICE

1.1 Communication with Judge King

Impartiality is the most basic principle of judicial ethics. In furtherance of this principle, *all* parties to a pending case must be included in *all* communications with the Court regarding the matter. The Judge is restricted by principles of judicial ethics from communicating about pending cases outside of hearings or documents filed in the court file and served on all parties. These restrictions apply equally to the Judge's Judicial Assistant ("JA"). The JA cannot deliver messages about substantive matters from a litigant or any other person to the Judge. However, communication with the JA for scheduling purposes is permitted.

1.2 Communication with Judge King's JA

The JA does not consider arguments or decide legal matters. Therefore, *no* party should discuss or argue the merits of a case with the JA, nor should the JA be copied on e-mail exchanges in which disagreements between the parties are aired. The JA is an extension of the Judge. Intemperate communication with the JA is prohibited.

¹ See Fla. R. Gen. Prac. & Jud. Admin. 2.215(f) (2026)

SECTION 2 – EMERGENCY MATTERS

Emergencies are defined as “non-routine matters which, by their nature, require *immediate* action by the Court to prevent or stop physical harm to a person, irreparable property damage, or a hardship of such a critical nature that the *immediate* intervention of the Court is *absolutely necessary*.”

2.1 Prohibited Practice

The practice of labeling a routine matter as an “emergency” to gain priority on the Court’s docket, calendar, or otherwise is not only counter-productive, but also *prohibited*. Please be aware that the designation of a matter as an “emergency” will normally cause the Judge to abandon other pending matters to immediately address the emergency. Often the JA, Clerk, bailiff’s unit, court reporter, attorneys, as well as other litigants, are also affected by alleged emergencies. In the case of a bona fide emergency this is necessary and proper.

However, non-emergencies which are improperly labeled as emergencies create hardships and unfairly prejudice court personnel and other litigants. Therefore, an emergency motion must state with particularity the reason the matter meets the definition of an emergency as set forth above. **Please Note:** Lack of due diligence by a party or Counsel does not create an emergency.

2.2 Emergency Hearings

Requests or motions for an emergency hearing are decided by the Judge. If the matter is a bona fide emergency, the movant must file the motion for an emergency hearing with the Clerk of Court. The Clerk will e-mail the motion to the JA and the Judge will then review the motion to determine if it is an actual emergency and if a hearing is warranted. Opposing Counsel must be given a copy of the motion with all attachments.

SECTION 3 – SUBMISSION OF DOCUMENTS, PLEADINGS, AND/OR /ORDERS TO JUDGE KING

3.1 Submission of Documents/Pleadings

Please note, the Court is not automatically copied with motions or supporting documents filed by Counsel. Because the Judge strongly prefers to read all submitted documents in advance of hearings, courtesy copies of all documents (motions, memoranda, authority, notices of hearing, notices of readiness for trial, etc.) that have been e-filed with the Clerk of Court should also be submitted via e-mail to the JA in PDF format at OwensK@leoncountyfl.gov.

Any additional evidence and/or, supporting materials should be submitted directly to the Judge's office at: Leon County Courthouse (Room 365L), 301 S. Monroe Street, Tallahassee, Florida 32301.

All materials, including case law must be submitted to the Judge at least five (5) days before the hearing.

3.2 Submission of Proposed Orders

Please note, the Clerk of Court will not forward proposed e-filed orders which are attached to motions to the Judge. **All proposed orders must be separately submitted to the JA via email in Word format.**

Orders submitted after a hearing - Normally the prevailing party will be asked to submit a proposed order after the Court rules at a hearing. In some instances, the Court may request proposed orders from both sides, after reviewing the Court will e-file the signed order of the prevailing party.

SECTION 4 – SCHEDULING/CANCELLING/CONTINUING HEARINGS/TRIALS

4.1 Hearings

Any party seeking to schedule a hearing must contact the Judge's JA to schedule by emailing the JA at OwensK@leoncountyfl.gov. The movant must consult with opposing Counsel regarding the total amount of time needed for the hearing prior to e-mailing the JA. In this regard, Counsel should be realistic in assessing the amount of time needed for the entire hearing (not just one side). Hearings may be recessed and continued if the allotted time expires before the hearing is concluded. The JA will assist the parties in scheduling a hearing date. If the parties cannot agree on a hearing date, the Judge will set the hearing at the Court's convenience. **The movant is required to e-file the Notice of Hearing with the Clerk of Court and must provide a courtesy copy to the JA.**

4.2 Remote Appearances

Any attorney desiring to attend a hearing by Zoom must consult with opposing counsel. If there is no opposition, no motion is required for Zoom appearance at a routine hearing. However, Counsel must advise the Judge's Office of the intention to appear by Zoom when scheduling the hearing in order to prepare the necessary equipment. The intention to appear by Zoom should be stated in the Notice of Hearing and a courtesy copy emailed to the JA.

The Court has two separate Zoom Meeting IDs. These are recurring, unchanging virtual courtrooms. Please be sure to log into the correct Zoom Meeting.

Topic: Leon County - Guardianship Cases

Join Zoom Meeting

<https://zoom.us/j/95904295059?pwd=TUEzc01yaEZpNFJFTVdyd2dRZ0lWdz09>

Meeting ID: 959 0429 5059

Passcode: 867128

Topic: Leon County Family Law

Join Zoom Meeting

<https://zoom.us/j/92261881968?pwd=aVF4SnNianZNR0pNNzFNc1dSVUIPdz09>

Meeting ID: 922 6188 1968

Passcode: 742131

4.3 Motions to Continue.

Motions to continue a hearing or trial must be in writing and must identify the reason(s) for continuance, state the number of times the party has previously moved for a continuance, and state the position of opposing Counsel. If necessary, a hearing must be scheduled before the date of the matter sought to be continued. An agreed-upon order may be presented along with the motion which the Court may enter without a hearing, depending on the position of opposing counsel.

4.4 Cancellation of Hearings

All attorneys must notify the JA as soon as possible, if you need your hearing cancelled or rescheduled so the Judge may turn his attention to other matters. A notice of cancellation e-filed by the attorney will alert the Clerk of Court to remove the scheduled hearing from the docket.

SECTION 5 - MOTION PRACTICE:

5.1 Form & Content

In general, all motions and responses, unless made during a hearing or trial, must be in writing and state with particularity the relief sought and the grounds upon which it is sought. Motions and responses must contain citations to authority relied upon, except that citation to legal authority is not required for routine motions.

5.2 Certificate of Good Faith Conferral

Before filing any motion, the movant must confer with opposing Counsel in an effort to resolve the issue(s) raised by the motion. An exchange of ultimatums or a perfunctory email is insufficient. Rather, the movant must earnestly attempt a substantive conversation geared toward resolution of the matter in good faith. Counsel should expect to be asked by the Court if a *conversation* with opposing Counsel occurred (not an email exchange by staff).

Additionally, Counsel are expected to respond promptly and professionally to inquiries and communication from opposing Counsel in this and all matters concerning the litigation. In all but the rarest cases a return call should be made no later than 24 hours after receiving a message.

5.3 Motions Decided on Papers and Memoranda

Routine, unopposed motions may be decided without hearing, provided the opposing party's position is noted in the motion. Additionally, some motions may be considered and decided by the Court on the pleadings and the record without hearing or oral argument.

However, parties should not assume the Court will rule on the motion without hearing and should reach out to Judge King's JA to schedule a hearing on the motion if a prompt resolution is needed. Motions not set for hearing within sixty days of filing are considered abandoned and will be dismissed by the Court.

Responses in opposition to a filed motion must be filed within 10 days. Requests for additional time must be made by a motion filed before the date the response is due.

5.4 Motion hearings will NOT be scheduled unless:

- the motion has been filed with the Clerk of Court;
- the movant has included a statement in the motion that a "good faith effort" has been made to resolve and/or narrow the issues, but the effort was unsuccessful.
- the movant has consulted with opposing Counsel regarding convenient hearing dates after receiving available dates from the JA.

SECTION 6 – DISCOVERY

6.1 Duty of Good Faith and Due Diligence – In General

The Court expects Counsel and the parties to conduct discovery timely, in good faith, and with due diligence. They are expected to cooperate and be courteous in all phases of the

discovery process with a goal of fairly and efficiently exchanging information about the case so that it may be resolved in a timely, just and cost-effective manner. Response to requests for discovery should be timely, complete, and in good faith. If there are objections, they should be stated specifically and with appropriate factual support.

6.2 Duty to Update and Supplement – In General

It is expected that all responses to discovery will be accurate and complete when given. Each party shall have a duty, however, to update or supplement any response immediately upon obtaining information that would make the previous response inaccurate, incomplete, or misleading.

6.3 Completion of Discovery

The requirement that discovery be completed within specified time mandates that adequate provisions must be made for interrogatories and requests for admissions to be answered, for documents to be produced, and for depositions to be held within the discovery period. The Court does not anticipate entertaining motions related to discovery conducted after the close of the discovery period as set for in the Court's Trial Order(s). Motions requesting an extension of the discovery period must be made prior to the stated date of completion of discovery. This motion must set forth good cause and establish due diligence.

SECTION 7 –TRIALS

7.1 Time of Trials

Trials start at 9:00 a.m. or 1:30 p.m. All Counsel and their clients are expected to be present in the courtroom at least 15 minutes before trial.

7.2 Witnesses

All witnesses that are present should be in the courtroom 15 minutes before trial. Counsel are permitted, in their discretion, to have reliable witnesses arrive at a later time. While the Court recognizes that the pace of trial is impossible to precisely predict, counsel are cautioned to be judicious in the exercise of this discretion. Furthermore, during the trial, it is counsel's obligation to have the next witness immediately available when court resumes from a break or recess.

7.3 Witness Lists

Counsel must provide the Court with a list of probable witnesses prior to the beginning of the trial. The list may be legibly handwritten, and the witnesses need not be listed in the order they will be called to testify. Failure to timely file a witness list or to include a witness on a list may result in the Court prohibiting the witness from testifying.

7.4 Evidence

Counsel must provide the Court and opposing counsel with a list of probable evidence prior to the start of the trial. All exhibits should be marked and numbered as listed. All evidence must be shown to opposing counsel after marking. It is opposing counsel's obligation to carefully examine the evidence before the trial begins.

During trial, the party offering the evidence is obligated to make opposing counsel aware of any changes in the numbering of the exhibits or the intent to offer of any evidence not previously numbered or displayed. Opposing counsel may rely on this numbering; therefore, it is unnecessary to further present exhibits to opposing Counsel before offering the item in evidence. Counsel are responsible for arranging to have evidence in the courtroom in time for inspection and marking prior to the start of the trial.

Failure to timely file an exhibit list or include an exhibit on an exhibit list may result in the Court prohibiting the offering of the exhibit at trial.