

JUDGE SHERWOOD BAUER

FAMILY COURT PROCEDURES

Scheduling of all hearings – UMC/Special Set Hearings:

IF YOU HAVE A MOTION FILED IN 2022 OR BEFORE, BUT NOT YET HEARD, PLEASE SCHEDULE THE HEARING. IF YOU DO NOT CONTACT THIS OFFICE BY JANUARY 15, 2022, TO SCHEDULE THE HEARING, THE MOTION WILL BE DEEMED WITHDRAWN AND YOU WILL NEED TO FILE A NEW MOTION, SUBJECT TO THE TIME LIMITS IN EFFECT AT THE TIME OF THE FILING OF THE NEW MOTION, IF YOU FEEL ISSUE NEEDS TO BE RAISED.

DO NOT USE THE ONLINE CALENDAR SYSTEM TO SCHEDULE ANY MOTION HEARING TIME.

ATTORNEYS:

All (including UMC motions) hearings must be scheduled by contacting Judicial Assistant (Emily) at 772-288-5585 or, preferably, by e-mail at Bauerja@circuit19.org Special Set hearings (generally evidentiary in nature) must be cleared with opposing counsel and a certificate that the date and time was coordinated with the opposing counsel/party must be clearly reflected on your Notice of Hearing. You may obtain possible hearing dates and times by contacting my Judicial Assistant (or by use of the “Form A” for Pro-Se cases - which is reviewed by the Case Manager).

ATTORNEYS: YOU MUST provide via e-mail (1)a copy of the motion, (2) any proposed Orders (in Word Format), and (3) the Notice of Hearing (in Word Format) to Bauerja@circuit19.org within 5 (five) working days of obtaining the possible date/time – failure to do so will result in the Court striking that possible date/time and providing that time to another. Please provide all e-mail addresses if available so that any Orders/Final Judgments can be provided to all parties. Should you not have an e-mail address please provide self-addressed stamped envelopes to the Court the day of your hearing.

All motions must have been filed with the Clerk of Court BEFORE you contact this office for hearing time.

You may also send/efile any case law with the motion which you think may be helpful to the Court. I have no opposition to you highlighting the relevant portions of any text. Please copy to the opposing party. Memorandum is also appreciated, if in brief form and it must be provided at least 5 days before the hearing.

PRO-SE:

PRO-SE/SELF REPRESENTED: All (including UMC) hearings must be scheduled by going to the 19th Judicial Circuit website, www.circuit19.org, and click onto the “Family Forms, Form A” link. You will see the online forms section, click on the “Form A – Family Case Inquiry / Update, Martin County” link. Complete the form and click “Send.” When both sides are Pro-Se, the matter will be set on the regularly scheduled Pro-Se hearing dates.

UMC:

UMC dates are on the calendar and are usually on Mondays, some Tuesdays, and Wednesdays at 9:00 a.m. Please note all UMC Hearings are 10 minutes or less and are non-evidentiary in nature. Please ensure that the UMC motions are non-evidentiary and that they can be completed in less than 10 minutes.

Uncontested Final Hearings:

There are specific Thursday mornings set for the hearing of any uncontested Final Hearings. They should be scheduled as with any other hearing. Please provide a copy of the agreement (including child support worksheet-if applicable), a copy of one of the party's driver's license/State ID, and an agreed upon final judgment.

Motions to Compel:

If there is a motion to compel a response to discovery, you may submit a copy (as the original would have to have been filed with the clerk) of said motion to the Court with a proposed order (in Word Format) giving the opposing party 10 days from the date of the order to comply. Do not ask for hearing time during that 10 day period. You must comply with 12.380 Fla.Fam.L.R.P. There is no requirement for a hearing on such a motion and the Court will often issue an order without a hearing being held. Gaspar, Inc. v. Naples Fed. Sav. & Loan Ass'n., 546 So.2d 764 (Fla 5th 1989)

Filing of Pleadings:

Please note, all original pleadings must be filed with the Clerk of Court. It is not this office's responsibility to file original pleadings. The Court will only file the orders of the Court with the Clerk of Court, and possibly documents received by the Court relating to a case, but that requires no action. For any hearing set it is your responsibility to file a notice of hearing with a copy to the judge's office.

Notice for Trial:

When your case is ready for trial, please provide the judge's office with a Notice for Trial (with the anticipated full length of time necessary for the trial) and then your case will be scheduled on the next available Case Management date. If you are self-represented and wish to inquire about your case status or are looking to schedule a hearing, you may complete a Form A or B (as applicable) at www.circuit19.org.

Continuances:

If a case is set for a Motion, Docket Call/Case Management Conference, or Trial and you desire a continuance (for good reason), you must first contact the other party (attorney) and determine if they will stipulate to a continuance. If so, please submit a stipulated motion for continuance and proposed order. If stipulated, the Court will almost always agree. If there is no stipulation, file the motion and contact the Court for a hearing date and time, just as with any other motion. Any such motion must be filed as soon as you are aware of the need for a continuance. If an emergency occurs, contact the other party and the Court as soon as possible to resolve such an issue.

Zoom Attendance at Family Court Hearings:

Zoom attendance at Family Court Hearings may or may not be permitted by **first** requesting / obtaining permission at least 48 hours before the hearing, from the Court, by request to chambers at Bauerja@circuit19.org Do not assume that you may appear by Zoom. While many have gotten used to appearing remotely in the last few years, there is a benefit, in the interest of justice, to in person contact in the resolution of Family Court matters. These matters are frequently based on personal relationships which can often only be resolved with actual fact to face contact and an actual commitment to the resolution of the matter. Exceptions will be made, if justified. In person will be the norm.

Dissolution of Marriage Cases:

If a notice of being ready for trial is filed in a dissolution of marriage case, the matter will be set for a CMC/Docket Call. Once the case is set on a trial date the **parties are required to file certain documents for the Court.** These requirements and forms are found on this website and are as follows:

(1) At least 7 days before the trial date the parties shall file a **Joint Pre-Trial Statement** (unless they cannot agree to anything, in which each party shall file a unilateral Pre-Trial Statement).

(2) At least 7 days before the trial date each party shall file a **Pre-Trial Statement – Dissolution of Marriage (in anticipation of final hearing).**

Within 3 days after the trial, the parties are required to file, for which the form is found on this website, a:

(1) **Post-Trial Statement – Dissolution of Marriage (in lieu of proposed final judgment)**

***Once a trial is set, these requirements and any pre-trial order issued if not specifically complied with, will result in the Court striking the trial and other sanctions.**

Other Types of Cases:

If a notice of being ready for trial is filed the matter will be set for a CMC/Docket Call. Once the case is set on a trial date the **parties are required to file the following for the Court.** The requirement for the Joint Pre-Trial Statement are found on this website and is as follows:

(1) At least 7 days before the trial date the parties shall file a **Joint Pre-Trial Statement** (unless they cannot agree to anything, in which each party shall file a unilateral Pre-Trial Statement).

***Once a trial is set, these requirements and any pre-trial order issued if not specifically complied with, will result in the Court striking the trial and other sanctions.**

Post Judgment Cases:

All Post Judgment cases must be referred to the Magistrate. Once there is an Order of Referral you may object in a timely manner. Should there be an objection entered the case then would be heard before the Judge. Should no objection be filed the case, it would then remain with the Magistrate and any hearing dates and/or questions would be handled by the Magistrate's assistant.

Domestic/Repeat Violence Cases:

Please be advised that you **must** contact the domestic violence deputy clerk of court in person to obtain or file a petition -- *or to schedule any and all hearings for motions in domestic violence cases, such as a motion to modify or to dissolve.* **Do not** send any petitions or motions directly to this office. **Do not** contact this office for hearing times on these cases. **Please do not wait until the end of the day to file petition.** If a petition is filed, the clerk will provide it to the Court and the Court will issue an appropriate order. The Court will set the date for the hearing on a petition, if necessary. All hearings will be on a Tuesday or Wednesday at 1:30 p.m. (occasionally, due to holidays or other conflict, the day and time may change)

Family Mediation:

Family mediation involves parties to a divorce, paternity, or similar family matter. Parties having a combined income of up to \$100,000.00 may utilize the 19th Judicial Circuit [Mediation Program](#). The mediators assist parties in identifying issues, solutions and alternatives, always keeping in mind the best interests of their children when children are involved. The mediator's objective during the session is to help parties reach a mutually acceptable agreement on disputed issues: parenting arrangements, child support, property/debt division, and other issues. Please see our [Mediation Program](#) Tab on the Nineteenth Judicial Circuit website for further information.

Family Mediation Order:

When submitting an order of referral to Family Mediation, your cover letter must state the combined income for the parties and that both parties have current financial affidavits of record. Please use the form [Order of Referral to Family Mediation](#).

Legal Advice:

Should you contact this office with any legal questions and/or advice, please be advised we are not at liberty to provide any legal advice but do advise that you contact an attorney of your choosing. Should you have questions about scheduling or any of the office procedures please feel free to contact my assistant at **772-288-5585** or by e-mail Bauerja@circuit19.org

E-Mail:

You may e-mail correspondence or copies of any pleading, notice of hearing, or proposed order (in Word only) to Bauerja@circuit19.org You must include the opposing counsel or party (if pro-se) as a copy recipient on all e-mail correspondence and CLEARLY indicate that you have done so in the e-mail.

ALSO: Please review this Circuit's Administrative Order 2015-12.

NOTES:

The assignment for this division is going to be a bit different for the month of January and February. I have the responsibility for the Martin Assignment and the Saint Lucie Assignment for those two months. Once March rolls around, it will only be Martin. Therefore, there is a limited amount of time to conduct trials. There will be trials, but fewer due to the sharing of time. Please be patient.

Understand also, that there are requirements contained in these procedures, most specifically pre-trial statements to be filed. If a pre-trial order is not complied with, the trial will be stricken. My plan is to have at least one, if not two, cases set for back up on each trial date. There will be a trial, it just won't be yours if the pre-trial orders are not complied with.

I am also very reliant on a schedule. So, if an hour or a ½ day or a day is set for a hearing or trial, that is the time you will be given. No more. You will have my full attention during that time. But at the conclusion of the allotted time, the matter will be concluded. Ask for the time you think you need. I will give that time, if I can, or adjust it to an otherwise reasonable time and that will be the time permitted. My suggestion is to get to the point as efficiently as you can and provide me the information which might actually make it into an order or Judgment. There are 6 Courtroom hours in a day (9-12 and 1:30-4:30).

For those who have dealt with me in this division in the past, after the initial 6-8 months of catch up, you will discover that the trial dates and hearing dates will be much more prompt and the next couple years will be a more satisfying experience. So, please bear with me and there will be a pay-off. There will be a triage method of setting the cases, so if you have a multiple day trial it will likely be delayed the longest in being set. If in a four day trial period I can resolve 4 cases rather than one in a 4 day period, yes that is what I will do, regardless of the age of the case.

Orders will be prompt and if you do not receive an order from the Court within 10 days of the hearing or trial, you should feel free to contact my office by email and inquire as to the status. You are entitled to a prompt decision.

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