



COURTROOM GUIDELINES AND EXPECTATIONS FOR FAMILY COURT CASES

**Assigned to Judge Brennan Keeler
Indian River County Courthouse
2000 16th Avenue, Suite 383
Vero Beach, Florida 32960**

Courtroom 6

PLEASE REVIEW ALL PROCEDURES PRIOR TO CONTACTING THE JUDGE'S OFFICE

Family Court Information & Resources are available at:
<https://www.circuit19.org/about-courts/court-divisions/family-division>

PRO SE/SELF REPRESENTED:

Petitioners and/or Respondents without an attorney are “*pro se*”. If both parties are pro se/self-represented, they will be referred to the Pro Se Coordinator.

If you wish to inquire as to the status of your case or if you are looking to schedule a hearing, please visit: <https://www.circuit19.org/about-courts/court-divisions/family-division> and complete the form.

HEARINGS:

Online Calendar: <https://aicalendar.circuit19.org/Calendar/IndianRiver/1374>
Zoom Information: <https://zoom.us/j/7862195449> (Meeting ID: 786 219 5449)

All Motions must be filed with the Clerk before setting a hearing.

Domestic Violence Hearings and Trials are **IN PERSON**.

UMCs/Family Hearings (less than 15 minutes) are via **ZOOM**.

COMMUNICATING WITH THIS OFFICE

The Code of Judicial Conduct forbids judges from discussing court cases or legal issues with the parties out of court. Judges are not permitted to consider any argument or material not properly filed in the cases as authorized by law and the rules of court. Please do not contact the judge's office expecting to communicate with Judge Keeler.

Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge as this is *ex-parte* communication. All communication with the Court shall be in open Court with all parties present, in writing or by email copied to opposing counsel/pro se party, and/or filed with the Clerk.

I. Email:

The preferred method of communication is via email as emails will receive the quickest attention. Correspondence should be emailed to SundayK@circuit19.org. You *must* carbon copy the opposing counsel or party (if pro se) on all email correspondence. Emails sent to this office must contain the following in the subject line/body:

- Case Style (Ex. Smith v. Smith).
- Case Number (Ex. 23CA123).
- Purpose of Email (Ex. Proposed Order, NOC, Request for Hearing in excess of 30 minutes).

The body of the email must contain a brief description of the purpose of the email. If a hearing date and time over one (1) hour is requested, please include a good faith estimate of time needed for the **entire** hearing (after conferring with opposing counsel/party).

II. Telephone:

Please only leave one (1) message for the Judicial Assistant if you are unable to reach her. Please do not leave a voicemail message and send an email.

COURT ATTENDANCE

ZOOM VIDEO: Uniform Motion Calendars, Case Management Conferences, Docket Call, and Non-Evidentiary Hearings fifteen (15) minutes or less may be scheduled via Zoom, unless otherwise directed by the Court.

Language to be included in the Notice: “At the designated hearing time, you will appear through Zoom teleconferencing (without charge) via video by clicking <https://zoom.us/j/7862195449>.”

IN-PERSON: Attendance at all Trials, Evidentiary Hearings, Default Final Hearings (requiring testimony or evidence), hearings over fifteen (15) minutes, and Injunction for Protection Hearings are in-person in Courtroom 6 of the Indian River County Courthouse, 2000 16th Avenue, Vero Beach, Florida 32960, unless otherwise directed by the Court. **A Motion must be filed to appear remotely, via Zoom.**

MOTION HEARINGS

I. Setting Hearings:

- i. ***Pro Se Cases (Self-Represented/No Attorneys):*** IF NEITHER PARTY IS REPRESENTED BY AN ATTORNEY, visit the 19th Judicial Circuit’s website (www.circuit19.org) and click on “Family Court Info & Resource”; select the appropriate online form for Indian River County. The Judicial Assistant does *not* track the pro se docket. **Please do not contact the judge’s office for pro se matters. Effective Oct. 1, 2022: SERVICE OF ALL PLEADINGS AND DOCUMENTS SHALL BE VIA EMAIL; IF YOU DO NOT HAVE AN EMAIL ACCOUNT OR INTERNET ACCESS, YOU MUST FILE AN AFFIDAVIT WITH THE CLERK (Form 2.601).**
- ii. ***Attorney Cases:*** ALL hearings must be coordinated and scheduled using the online calendar system: <https://aicalendar.circuit19.org/Calendar/IndianRiver/1374>. Hearings 30 minutes or less can be scheduled directly online. If you require more than 30 minutes, please email the Judicial Assistant (SundayK@circuit19.org) to request hearing availability.

When emailing the JA, please include the case number and style (19DR9999, Smith v. Smith), Motion(s), and amount of time needed for the hearing. **All parties must be included when emailing the Judicial Assistant. The Motion (with exhibits and relevant case law), Notice of Hearing (or Notice of Remote Hearing, if applicable), and proposed Order in Word format must be emailed to SundayK@circuit19.org and the opposing party at least five (5) business days prior to the hearing date.**

Failure to provide the documents will result in the Court striking the hearing. **All Orders must include a complete service list with service addresses. If a party does not have an email address, a self-addressed stamped envelope must be provided prior to the hearing date.** Attorneys who repeatedly abuse the online scheduling calendar (i.e., not removing hearings from the online calendar) may be denied further privileges of self-scheduling. Notices of Hearing *must* include a good faith certification:

I HEREBY CERTIFY that I have personally contacted opposing counsel in an effort to resolve the issue(s), however, the matter cannot be resolved and a hearing is necessary.

Additional Motions may not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel and/or the Judicial Assistant that sufficient additional time can be reserved to hear them.

II. Hearings Requiring One (1) Hour or Less:

Telephonic attendance at any evidentiary hearing is not allowed without prior approval of the Court by Motion and Order.

📞 Telephonic attendance at Family/Domestic Relations hearings will NOT be heard through CourtCall (see Zoom Instructions on Judge Keeler’s website).

III. UMCs:

UMC hearings must be scheduled using the online calendaring system and are only for *uncontested final hearings without children and other non-evidentiary matters*. Prior to setting a matter on the UMC docket, the party/counsel noticing the Motion shall attempt to resolve the matter and certify their good faith attempt. The procedure for setting hearings must be followed (i.e., no proposed Order = no hearing).

📞 Telephonic attendance at UMC is NOT permitted. UMC hearings will be heard through Zoom (see Zoom Instructions on Judge Keeler’s website).

EFFECTIVE April 6, 2023: NO DOM WITH CHILDREN SHALL BE SCHEDULED FOR A FINAL HEARING ON THE UMC DOCKET. PLEASE SCHEDULE ON THE FAMILY HEARINGS DOCKET.

IV. Final Hearings:

The Court asks that the following be provided in an email to the Judicial Assistant:

1. Copy of client’s driver’s license (which should be filed in the court file);
2. Marital Settlement Agreement;
3. The proposed Final Judgment (in WORD format).

V. Cancellations:

When a cancelled hearing is not timely removed from the online calendar, it monopolizes valuable court time. If you set a hearing on the online calendar, you have the ability to cancel that hearing on the online calendar. If you set a hearing through the Judicial Assistant, please email a copy of the Notice of Cancellation immediately after filing with the Clerk. **FILING A NOTICE OF CANCELLATION DOES NOT REMOVE THE HEARING FROM THE ONLINE CALENDAR;** the Notice *must* be emailed to SundayK@circuit19.org. Attorneys who

consistently abuse the online calendar will have their online privileges suspended. All cancelled hearings must be removed from the online calendar **no later than 2:00 pm the day before the hearing.**

If you are scheduling a FINAL HEARING, you must verify that both parties have filed all of the required documents for the hearing to take place. Failure to comply will result in the hearing being stricken from the hearing docket.

PLEADINGS

All original pleadings must be filed with the Clerk of Court. Online filing is available through the Florida Courts E-Filing Portal (<https://www.myflcourtagency.com/default.aspx>). It is not this office's responsibility to file original pleadings.

- i. ***Proposed Order Submissions:*** The proposed order **must** reflect the date of the hearing and that it is either ex-parte or heard in Chambers. You must file the Motion before submitting a copy with the proposed Order. **All proposed Orders** are to be submitted to the Judicial Assistant at SundayK@circuit19.org in **WORD** format along with:

- a. A cover letter signed by the attorney of record;
- b. A copy of the *filed* Motion in PDF format;
- c. If set for hearing, the Notice of Hearing and supporting case law/documents.

The proposed Order must contain a complete service list, setting forth eservice addresses, as well as any postal addresses if there is no eservice address. Signed Orders will be e-filed and e-served via the e-portal. **If a pro se party does not have an eservice address on file (and clearly printed in the service list on the Order), then it is the movant's responsibility to provide the opposing party with a copy of the signed Order.**

- ii. ***Agreed Orders:*** **The Court will not execute agreed Orders, or stipulations without a cover letter stating that a copy was provided to all counsel of record and pro se parties, and if there is a stipulation or an agreed Order, that there are no objections to the entry of the Order.** Do not state in the cover letter words to the effect: "By copy of this cover letter to opposing counsel, opposing counsel is requested to advise the Court if there is an objection to the proposed Order."

- iii. ***Emergency Motions:*** Parties should not file Motions/Petitions seeking emergency relief unless there is an emergency sufficient to justify disruption of the court's docket. All emergency Motions must be verified, e-filed and supported by good cause. Please email all emergency Motions and proposed Orders (in Word format) directly to SundayK@circuit19.org immediately after filing the Motion with the Clerk. **Please**

identify in the subject line that it is an EMERGENCY. The body of the verified Motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the Motion. The Motion should also indicate how much hearing time will be needed. The Court will review the Motion and, if it is determined that an emergency exists, all parties will be emailed with the soonest hearing availability. *Please remember that your failure to plan ahead is not an emergency!*

- iv. **Motions to Compel:** If there is a Motion to Compel as a response to discovery, you may submit a copy of said Motion to the Court with a proposed Order (in Word format) giving the opposing party ten (10) days from the date of the Order to comply. **The Motion must have a Certificate of Good Faith.** 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 issue an Order. *Gasper, Inc. v. Naples Fed. Sav. & Loan Ass'n.*, 546 So.2d 764 (Fla 5th 1989)
- v. **Temporary Relief: Parties MUST attend mediation before a Temporary Relief Hearing may be set.** If you schedule a hearing first without having been to mediation, the hearing will be stricken from the docket.

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 there are children 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 19th Judicial Circuit website for more information.

Order of Referral to Mediation: 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.

TRIALS

- i. **Notice for Trial:** When your case is ready for trial, please email SundayK@circuit19.org with a Notice for Trial (with anticipated full length of time necessary for the trial) and your case will be scheduled on the next docket call.
- ii. **Exhibits:** Exhibit lists must be filed with the Clerk at least five (5) business days prior to the hearing/trial. Please see our full Exhibit Procedures located here:

- iii. ***Back-Up Trials:*** All parties must be present in-person for a back-up trial, unless otherwise ordered by the Court.
- iv. ***Court Reporter:*** All trials must be reported. Counsel for the Petitioner is responsible for having a court reporter present. ***FAILURE TO DO SO may be grounds for cancellation of the trial and may be considered grounds for sanctions.***
- v. ***Daubert Motions:*** Any Daubert Motions must be filed *at least* fifteen (15) days prior to the first day of trial and a copy must be provided to SundayK@circuit19.org. Daubert Motions will be considered waived if not filed at least fifteen (15) days prior to the first day of trial.
- vi. ***Interpreter:*** If needed, interpreter services must be provided by the party needing such services. Interpreters do not have to be certified. An attorney for the parties cannot act as interpreter. You may also visit the Court's website for further information: <https://www.circuit19.org/programs-services/court-programs/court-interpreters>.

CONTINUANCES

If a case is set for a Motion hearing, Docket Call, CMC, or trial, and you desire a continuance (**for good reason**), you must first contact the other party/attorney and determine if they stipulate to a continuance. If so, please submit a stipulated Motion for Continuance and proposed Order (in Word format). If there is no stipulation, set the Motion for hearing, 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.

POST JUDGMENT CASES

All post judgment cases must be referred to the Magistrate (Order of Referral to Magistrate). Once there is an Order of Referral, you may object in a timely manner. Should there be an objection entered, the case will be heard before Judge Keeler. If no objection is filed in the case, it will remain with the Magistrate and any hearing dates and/or questions would be handled by the Magistrate's assistant. **No post judgment hearing will be scheduled on Judge Keeler's online calendar until AFTER the objection period. You cannot schedule a hearing on Judge Keeler's online calendar in anticipation of an objection. If you schedule a post judgment matter on Judge Keeler's online calendar without an Order of Referral and a timely objection filed, the hearing will be stricken.**

DOMESTIC/REPEAT VIOLENCE CASES

Please be advised that you **must** contact the domestic violence clerk to obtain or file a petition or to schedule any and all hearings for motions in domestic violence cases, such as Motion to Modify or Dissolve. Do not send any petitions or motions directly to this office. Do not contact this office for hearing times on these cases. If a petition is filed, the clerk will provide it to the Court and the Court will issue the appropriate order. The Court will set the date for the hearing on a petition, if necessary.

LEGAL ADVICE

Should you contact this office with any legal questions and/or advice, please be advised that we cannot provide any legal advice. If you have a legal question, this office will advise you to contact an attorney of your choosing. If you have any questions about scheduling a hearing or a procedural question, please email the Judicial Assistant (SundayK@circuit19.org).