

ASSIGNMENT

Martin: One-third of Martin County Court Cases; Assist with Juvenile Drug Court; Supervision of Traffic Magistrates for all Civil Traffic matters; 25% of Circuit Civil Non-Jury Cases (excluding Residential Mortgage Foreclosure Cases).

To set a hearing, please call the Judge's office at 772-288-5556.

Small claims Pretrial Conferences and dockets will occur on Tuesday mornings and will be scheduled by the Clerk. Trials from those dockets shall be set at the pretrial conference.

All mandatory traffic, non criminal citations, etc., shall be set on the first Wednesday of the month.

Judge Waters is restricted by principles of Judicial Ethics from communicating about pending cases outside of hearings. Communication to the judge without prior notice to opposing party is "ex parte" and improper except in certain specific circumstances. Judge Waters is generally not permitted to read or consider ex parte communications. Therefore, the opposing party **MUST** be copied on any and all documents submitted to the Judge.

Neither the Judge, nor her Judicial Assistant may provide any party with legal advice.

SCHEDULING FOR CIVIL MOTION HEARINGS/NON-JURY TRIALS:

Please call the Judicial Assistant for hearing dates and times. The hearing **MUST** be coordinated with the opposing party before any hearing may be noticed.

You must give the opposing party notice of the hearing at least five working days prior to the hearing, unless otherwise agreed to by the parties. All hearing Notices shall contain a certification signed by the lawyer or pro se party who set the hearing, as follows:

***"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."*

Please note that certifications containing language to the effect that an effort will be made to resolve the issue in the future is **NOT** sufficient. If personal communication is attempted, but unsuccessful, written communication to opposing counsel will suffice. Failure to comply with this requirement may result in cancellation of the hearing by the Court. If it is determined that the certification is not true, other sanctions may be imposed, including a referral to the Florida Bar.

Counsel who filed the motion must bring a proposed order to the hearing (generic orders granting/denying with at least five lines for additional provisions may be used) along with sufficient copies and self-addressed, stamped envelopes for all parties.

Prior to your Civil Motion Hearing, if parties are granted Order to appear telephonically, and you will be appearing via CourtCall, please send Judicial Assistant a copy of the Motion, Proposed Order(s) with sufficient copies and pre-stamped envelopes for all parties, and a copy of the Notice of Hearing which was previously filed with the Clerk of Court.

Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted.

- Telephone hearings are permitted for certain hearings.

There are absolutely NO APPEARANCES by telephone for SMALL CLAIM PRE-TRIAL CONFERENCES.

- **ALL TRIALS REQUIRE PERSONAL ATTENDANCE**.
- **WITNESSES**: If witnesses are permitted to appear telephonically, it is up to the party whose witness is appearing to ensure that all procedures are in place for testimony (i.e. CourtCall & Notary).

HOW TO REQUEST A TELEPHONIC APPEARANCE:

Please send a copy of motion to appear telephonically along with proposed order, sufficient copies of proposed order for all parties on the service list along with self-addressed stamped envelopes via U.S. Mail to the Judge's office for consideration. If ALL parties are listed with emails on the efilng portal, you can email the motion and proposed order and we will email the signed order.

***COURTCALL-** Upon receiving an ORDER GRANTING TELEPHONIC APPEARANCE, you may contact CourtCall at 888-882-6878 to coordinate telephonic appearances. Arrangements are to be made with CourtCall at least 5 business days prior to the hearing date, unless special arrangements have been made in advance.

HOW TO SUBMIT DOCUMENTS TO JUDGE'S OFFICE:

To submit documents to our office, please send copies of motions, proposed orders along with sufficient copies and self-addressed stamped envelopes for all parties on the service list to the following address:

The Honorable Jennifer Alcorta Waters
Martin County Courthouse
100 E. Ocean Blvd.
Stuart, FL 34994
sievertd@circuit19.org

If ALL parties are listed with email addresses on the efilng portal, you may email the motion and proposed order. There is no need to send envelopes.

DISCOVERY MOTIONS AND MOTIONS TO COMPEL:

The mere filing of a Motion is insufficient. The motions must be set for hearing to bring the matter to the Court's attention. Motions to Compel, as well as all discovery motions, must comply with the Florida Rules of Civil Procedure or Florida Small Claim Rules, including, but not limited to, a certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make discovery in an effort to secure the information without court action. See, Fla.R.Civ.P. 1.380(a)(2).

When a motion to compel discovery alleges a complete failure to respond or object to discovery, and the time for complying with the discovery request has lapsed and there has been no request for an extension of time, an Ex Parte order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. The movant shall submit the proposed order to the Court with sufficient copies and self-addressed stamped envelopes for all parties and shall also certify that notice of the requested relief was provided to all parties.

MOTIONS FOR PROTECTIVE ORDERS:

The filing of a Motion for Protective Order, without presenting it before the Court, is insufficient. The Court will make itself available for expedited hearings on said motions where the motion could not have been filed and heard in the due course of discovery.

LEGAL MEMORANDUM AND CITATIONS:

Any legal memorandums or briefs for special set hearings, along with hard copies of significant cited authorities (highlighting the pertinent sections is appreciated by the Court), should be provided to the Court at least fourteen business days before the hearing. The Court will attempt to review the motion and memorandum, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered. Brevity is appreciated and memorandums should be kept to no more than five (5) pages in length. Case law and Memorandums provided to the Court during the hearing may not be considered. The Court, on occasion, may rule on motions without a hearing. Therefore, both counsel filing the motion and opposing parties are encouraged to timely file written argument with the Court.

ORDERS AND RULINGS OF THE COURT:

The Court will strive to issue orders and rulings in a timely manner. If counsel is asked to prepare an order, the order shall be drafted and circulated to counsel within 3 working days of the hearing and must be submitted to the Court with a cover letter to all counsel and Pro Se parties within 7 days of the hearing. Opposing counsel must advise the Court of any objection to the form of the proposed order within 3 days thereafter. The Court would appreciate a copy of any proposed order on either a removable storage device or via e-mail, in addition to the hard copy.

MOTIONS FOR REHEARING, RECONSIDERATION, OR NEW TRIAL:

Upon filing said motion the moving party shall send a copy to the Judge for review. The copy of the motion sent to the Judge shall be accompanied by a generic order granting/denying the motion, with at least five lines for additional provisions, a transmittal letter showing copies to all counsel and Pro Se parties, and stamped, self-addressed envelopes for all counsel and Pro Se parties. If the moving party fails to comply, any party may furnish a copy of the motion and the required documents to the Court. If the Court determines that a hearing is necessary, the movant will be advised to schedule and hearing and file appropriate notices. Please do not set a Motion for Rehearing or Motion for Reconsideration for hearing without first receiving permission from the Court.

MOTIONS WITHOUT HEARINGS:

Some matters may be addressed by the court through a motion not requiring a hearing. Any such motion must be accompanied by a sufficient number of orders and envelopes with postage sufficient for mailing. The “Done and Ordered in chambers” section must indicate Stuart, FL, Martin County, FL.

JUDICIAL DEFAULTS:

If you are entitled to a Clerk’s default, you should have the Clerk enter default. Judicial defaults will be entered ex parte in Chambers, following a Clerk’s Default.

NOTICE FOR TRIAL:

When filing Notice for Trial, you must send a copy of the Notice to ALL Parties. Additionally you must send a copy by U.S. Mail to the Judge's office along with self-addressed stamped envelopes for all parties listed on the service list at the following address:

**The Honorable Jennifer Alcorta Waters
Martin County Courthouse
100 E. Ocean Blvd.
Stuart, FL 34994**

The Court will schedule Trials based on the Court’s Trial schedule. It will be the responsibility of the lawyers and pro se litigants to file the appropriate Motions to continue if needed. These Motions **MUST** be filed timely. Please note that cases set for Trial will remain on the trial docket until the case is concluded.

ORDERS SETTING TRIAL:

The Court may issue an Order Directing Pre-Trial Procedure and Setting Trial upon receipt of a copy of Notice for Trial pursuant to Fla.R.Civ.P. 1.440 and requisite envelopes. Please remember

that the fact that a case is still in the discovery stage does not prevent the filing of a Notice for Trial or prevent the court from setting the case for trial.

If a Notice for Trial is filed, or if the Court issues an Order setting a matter for Trial pursuant to a Notice for Trial, and the opposing party believes that the trial date will not allow sufficient time to complete discovery, counsel should immediately Motion the Court for a Status Hearing and/or a Case Management Conference. Delays in advising the Court that there is not sufficient time to complete discovery may be considered a Waiver of any Objection to the setting of a trial date.

The Judicial Assistant can advise counsel, upon inquiry, as to future trial dockets. Counsel should request in their Notice for Trial, after consultation with opposing counsel, a trial period that will allow sufficient time to complete discovery and facilitate settlement.

WAIVER OF APPEARANCE:

There will be NO Waiver of Appearance for Pre-Trial Conferences.

TRIAL PREPARATION:

The parties must comply with the Pre-trial Order, which includes, without limitation, timely submission of joint pre-trial statements. Motions in limine and other motions concerning how the trial is to be conducted will not be entertained during trial or on the day of jury selection, unless the Court is satisfied that with due diligence, the matter could not have been heard pretrial.

TRIAL – TIME AND LOCATION:

Trials will take place in Courtroom A2-1, unless otherwise indicated.

TRIAL BRIEFS:

If a trial brief is to be filed with the Court it should be submitted to the Judge's Chambers no later than three (3) working days before the trial is to commence. The Court appreciates hard copies of cases cited in the trial brief with appropriate highlighting of the pertinent sections.

WITNESSES AND EXHIBITS:

Exchange of Witnesses and Exhibits. Unless otherwise ordered, no later than 20 days prior to the trial date, the parties and/or counsel shall exchange the names and addresses of all witnesses including experts and a list of exhibits. A copy of the witness and exhibit lists shall be filed in the court file. All experts shall be designated as such. No party shall be permitted to call a witness or introduce an exhibit not so disclosed without permission of the Court. Each party is responsible for bringing to the attention of the Court any violation of this paragraph at the earliest possible time to avoid any delay in the trial.

All exhibits are to be marked for identification by the clerk prior to the start of trial. Exhibits which will be stipulated into evidence may be marked in evidence. Once exhibits are marked, either for identification or in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and authorized by the Court.

SETTLEMENT OF CASE:

If your case settles after you have received an order setting a case for trial, please first immediately notify the Court's Judicial Assistant by telephone and follow up with an email and/or letter advising of settlement. This also applies to cases that are subsequently placed on the trial docket.

Please follow Court procedure for filing the necessary pleadings with the Martin County Clerk of Court. Please send *copies* of pleadings, hearing cancellations, (if applicable), along with relevant *Stipulations, Settlement Agreement, Motions, Notices, with Proposed Orders* along with sufficient copies/self-addressed stamped envelopes to the Judge's office for his immediate review.

WITHDRAWAL OR SUBSTITUTION OF COUNSEL:

You must follow the provisions of Fla.R.Jud.Ad.2.505. If you are moving to withdraw, you must obtain the Client's Consent in writing which shall be filed with the Court, or a hearing must be held after proper notice to the client. If you are filing a Substitution of Counsel, no hearing or signature from prior counsel is necessary.