

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR
HERNANDO COUNTY, FLORIDA DON BARBEE JR., CIRCUIT JUDGE

STANDING ORDER FOR FAMILY LAW CASES
(Amended July 2023)

In an effort to maximize efficiency and provide clear direction, it is hereby
ORDERED

1. This standing order shall apply to all domestic relations matters assigned to Circuit Judge Don Barbee Jr. This order modifies certain provisions of the Standing Family Law Court Order(s) issued pursuant to Administrative Order H-2018-66.
2. **PAPERLESS:** 100% paperless is the goal. Please do not submit copies of motions, proposed orders, or anything else in paper format or through the U.S. Mail unless absolutely necessary and with prior approval. This includes evidence – see paragraph 7 below.
3. **CASE MANAGEMENT:** This Court takes a very active role in managing its cases. Fla. R. Gen. Prac. & Jud. Admin. 2.250 establishes a presumptively reasonable time of 6 months to resolve contested family law cases. Rule 2.545(a) advises judges and lawyers of their “professional obligation to conclude litigation as soon as it is reasonable and justly possible to do so.” Rule 2.545(e) reminds us that “continuances should be few, good cause should be required...” Please remember these rules when your cases are assigned to this docket.
4. **TEMPORARY RELIEF:** Temporary relief is designed to be heard early in the litigation to protect the best interest of the children and the financial health of the parties. Hearing time will not be granted for temporary relief motions once the litigation has been protracted beyond 6 months absent exigent circumstances. Mediation is not required prior to a temporary relief hearing. There is no need to file a

“Notice of Specific Relief Requested.” The Motion should provide sufficient clarity to the opposing party as to the relief sought.

5. MOTION PRACTICE:

- a. Courtesy copies of emergency motions or those seeking an expedited response should be provided to the court at jshreiber@circuit5.org. Copies of standard motions should be filed with the Clerk and NOT copied to the Judge.
- b. “Meet and Confer”: Parties/counsel shall attempt to resolve any disputes prior to filing a motion or scheduling it for hearing. A certification that this requirement has been satisfied shall be included in any motion for an extension of time, discovery dispute, or similar request for relief.
- c. Legal Memorandum: While not required for Judge Barbee’s family law cases, a legal memorandum is encouraged when counsel believes one may be helpful for the Court.
- d. Page Limitation: Absent prior permission of the Court, no party shall file a legal memorandum which exceeds ten (10) pages in length.
- e. Response: Opposing party shall have ten (10) days from receipt of a motion to file a response. Failure to timely respond may result in the issuance of an order as if motion was unopposed.
- f. Discovery: Motions related to the content of discovery shall include the interrogatory, question or request being challenged, the grounds for the objection, and the legal authority for the position taken by the movant.
- g. Oral Argument: Non-evidentiary motions will ordinarily be ruled upon by the contents of the motion and legal memorandum unless a hearing is required by law. This includes but is not limited to: motions to compel, extensions of time, substitute/withdrawal of counsel, leave to amend, and motions to dismiss. Hearing time for

evidentiary motions or those required by law may be obtained by contacting the judicial assistant.

- h. **SCHEDULING:** All hearing request must be sent to my Judicial Assistant at jshreiber@circuit5.org.
- 6. **APPEARING VIA ZOOM OR TELEPHONE:** Attorneys and parties are directed to Fla. R. Gen. Prac. & Jud. Admin. 2.530 when it comes to remote appearance for non-evidentiary hearings. In a nutshell, if the parties stipulate to the remote appearance send in a proposed order. If the opposing party objects to a remote appearance for an in-person hearing, file a motion and set it for hearing. Evidentiary hearings will be held in person absent good cause and leave of the Court.
- 7. **MEDIATION:** Mediation is required in all cases prior to trial unless waived by the Court. A mediation referral will be automatically generated by the Court once the financial affidavits have been filed. The parties shall schedule mediation within 30 days of referral and hold the mediation within 90 days of referral. Failure to meet these timelines will result in mediation being waived and the matter being scheduled for a pre-trial conference and trial.
- 8. **PRE-TRIAL CONFERENCES:** If mediation results in impasse, the parties/counsel are directed to contact the judicial assistant to arrange for a pre-trial conference. NO PRE-TRIAL MEMOS OR OTHER FILINGS ARE REQUIRED FOR THE PTC. The purpose of PTCs before Judge Barbee is to define the issues for trial and set a trial date.
- 9. **EVIDENCE:** Evidence for ALL evidentiary hearings (Zoom and live) shall be submitted to the judicial assistant at jshreiber@circuit5.org as well as to opposing counsel/party in an electronic format at least 24 hours before the hearing/trial. The electronic exhibits should be in a commonly recognized format such as JPEG or PDF. **The exhibits are to be named in such a manner as to make them easily located such as “P#1 – Talking Parents” etc.** and shall be submitted as

separate documents (do not submit one PDF containing multiple exhibits). Parties with a large number of exhibits should consider using “dropbox” or a zip file to transmit large amounts of evidence to the Court. Counsel and pro-se parties are directed to confer to maximize the use of stipulations. Pursuant to F.S. 90.202(6), the Court will take judicial notice of items already in the court file (pleadings, orders, financial affidavits, etc.). These items need not be provided. Failure to follow these directives may result in the exclusion of your evidence.

10. **ADMINISTRATIVE ORDERS:** Parties/counsel should familiarize themselves with H-2018-66 “Standing Domestic Relations Court Order” and A-2020-1 “Administrative Order Requiring Filing of Family Law Financial Affidavits Prior to Mediation.”
11. **PROPOSED ORDERS:** Judge Barbee drafts the vast majority of his own orders for family law cases. If a proposed order is requested, it is to be submitted within five (5) days of the hearing in electronic format (Word or PDF) to jshreiber@circuit5.org.
12. **FAILURE TO COMPLY:** Should a party/counsel fail to abide by the terms of this standing order, the Court may deny the motion, strike the pleading, dismiss the action, or enforce the order through any appropriate sanction authorized by law.
13. **NO ACTION FROM THE COURT:** In the unlikely event that forty-five (45) days have passed without a ruling on your motion, please contact the judicial assistant to inquire.

If you have any questions about this standing order, please contact Jamie Shreiber, Judicial Assistant, at jshreiber@circuit5.org or (352)540-6655.

DONE AND ORDERED this 10th day of July, 2023.



Don Barbee Jr. Circuit Judge