

JUDGE CALOCA-JOHNSON'S POLICY AND PROCEDURES

Current Assignments: Leon and Jefferson Counties

850-606-4301

850-342-0247

[WaughL@LeonCountyFl.Gov](mailto:WaughL@LeonCountyFl.Gov)

E-mail is preferred method of contact

Use the same e-mail thread per case as it saves time researching.

Filing instructions for proposed orders are as follows:

1. Proposed orders must be sent as an attachment to an email to the JA at [WaughL@LeonCountyFl.Gov](mailto:WaughL@LeonCountyFl.Gov) with copies to all parties including pro-se. **Do not file a motion and attach a proposed order through the e-portal.** We do not see those orders. You must send them to the JA.
2. Provide a cover letter in PDF format or E-mail to include the case number, County, name, and date of hearing if applicable and if the order is agreed or unopposed. In short, an overview of what you are requesting from the Judge especially if you are submitting amended or corrected documents.
3. If a proposed order is submitted and you object to the proposed order, you may e-mail the JA at [WaughL@LeonCountyFl.Gov](mailto:WaughL@LeonCountyFl.Gov) that you object. Please do not litigate the case via e-mail. The Judge will not review it. You will then have five days to provide your proposed order in legislative format for the Court to consider. Simply objecting to a proposed order via e-mail is of no moment.
4. Proposed orders need to be submitted in Word format .docx. There should be no internal formatting such as tables or hyperlinks. Those create problems when uploaded for digital signature. Please leave the date and signature blocks blank or DDDD, for date and JJJJ for signature and no lines as the Judge signs electronically. Please see Example 1 below.
5. Preferred method of submitting Orders with Exhibits is one document submitted in Word format. If that is not possible you may submit a separate PDF document which must include the Case name, Case number, Exhibit number clearly marked and what Order the Exhibit goes with. See example 2 below.
6. Documents are not viewable on the Clerk's website for up to 48 hours or longer. If you recently filed any documents the Judge needs to see you must attach a courtesy copy as a PDF document.

7. The party who requested the order is responsible for serving a copy of the issued order on all parties and interested persons who are not registered to receive a copy via the Florida Courts E-Portal, such as pro-se litigants, or others entitled to notice under the applicable law.
8. Use the same E-mail thread per case. It saves time researching previous E-mails for historical data.

### **Probate filing instructions:**

1. In all cases you must file with the Clerk's office the Original "Authenticated Copy" of the Death Certificate. See Fla. Statute 731.103 (1) This is enforced in all cases.
2. Required forms:
  - a. Affidavit of Heirs in all cases
  - b. Summary Administration Checklist
  - c. Formal Administration Opening Checklist
  - d. Formal Administration Closing Checklist

Forms maybe be found at: [cvweb.leonclerk.com/public/index.html](http://cvweb.leonclerk.com/public/index.html)

3. When filing the Petition to Determine Homestead Status please include the following: The only way the Court can determine whether the property submitted to the Court for Determination of Homestead is, in fact, Homestead is if we know several things: (1) relation to the petitioner to the owner and (2) if the property is inside or outside of a municipality because where the property (in or outside a city limit) is located makes a difference as to whether based on the legal description (1/2 acre v 160 acres) will support a finding of Homestead by the Court.

## **Guardianship filing instructions:**

When a petition to appoint emergency temporary guardianship is filed, it should queue the clerk to open an “MH” case as well as “GA” a case. Many times, an attorney doesn’t know that two case numbers should be filed for a ward, especially if they’re filing through the Portal. In some instances, petitions and orders will be filed in both cases.

### **Incapacity (MH) cases should include:**

- Petition to Determine Incapacity (confidential)
- Petition to appoint attorney and Elisor
- Order Appointing attorney and Elisor
- Petition to Appoint Examining Committee
- Order to appoint Examining Committee
- Reports of the examining Committee
- Petition for order compensating Examining Committee
- Notice of hearing for Incapacity Hearing
- Order for compensation of Examining Committee
- Order Determining Total/Limited Incapacity
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**\*\*This case closes upon the Order Determining Incapacity\*\***

### **Guardianship cases (GA) should include:**

- Petition for appointment of Guardian
- Petition to appoint attorney and Elisor
- Order Appointing Attorney and Elisor
- Application for appointment as Guardian
- Applicants must complete a credit history investigation and a level 2 background screening as required under 435.04 prior to appointment
- Notice of hearing for Appointing Guardian
- Order Appointing Guardian
- Letters of Guardianship
- Orders Specifying Time Requirements (filed after Letters are issued by the Court)
- Initial report/ Inventory by Guardians
- Accountings and Plans by Guardians
- Reports and Recommendations by the Clerk to Accountings and Plans by Guardians
- Orders Approving / Disapproving Accountings and Plans by Guardians after reviewing the Reports and Recommendations by the Clerk.

**\*\*These cases don’t close unless a ward dies, has been mentally restored (or the incapacity was only due to the ward’s age, a minor, and they’ve reached the age of 18 or change of venue.**

To receive the next Attorney / Elisor available you must contact the Clerk at the following: [Clerk\\_guardianship@leoncountyfl.gov](mailto:Clerk_guardianship@leoncountyfl.gov) Once you receive the next Attorney you must contact that attorney and see if he/she is available. The attorney must agree to see the Ward within five (5) days. If not, proceed to the next attorney on the list.

The Attorney/Elisor needs to meet with the AIP before the examining committee shows up.

The Examining Committee Members list is located <https://2ndcircuit.leoncountyfl.gov>. Please clear each examining committee member's availability to serve on a particular case and tell the examining committee whether the case is private pay or indigent. Inform the Examining Committee member of the Attorney/Elisor contact information as well as the Applicant.

Submit the Order to pay Examining Committee along with a proposed Order to the JA. You must send a copy of the Order to the Examining Committee. In a private pay case, please include in your order that the Guardian has thirty days to pay examining committee.

To schedule a Court Interpreter, go <https://2ndcircuit.leoncountyfl.gov> and scroll to court interpreters.

## **Communication with Judge Caloca-Johnson**

Impartiality is the most basic principle of judicial ethics. This means that 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 (the 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.

## **Communication with Judge Caloca-Johnson's Judicial Assistant (JA)**

At the risk of stating the obvious, the JA does not consider arguments or decide legal matters. Deciding legal issues is the exclusive province of the Judge. Consequently, the practice of including the JA on e-mail exchanges in which disagreements between the parties are aired or arguing the merits of a case to the JA serves no purpose and is prohibited. Furthermore, the JA is an extension of the Judge. As such intemperate communication should be avoided.

## **Setting hearings and non-jury trials:**

You must confer with opposing counsel on the amount of time required for a hearing before e-mailing the JA. Your motion must certify that you have consulted with opposing

counsel via the telephone. Your motion must certify that you have made a good faith effort to resolve the issue and that the amount of time is agreed to or not and the difference in the requested time.

If you e-mail the JA requesting a case management conference, please e-mail all interested parties and attorneys. Please state with particularity the reason to set the case management conference. The JA has been instructed to not give out dates until the Judge has reviewed the e-mail and case. You must include all parties on the e-mail or the Judge will not review your request for case management conference.

To set a hearing please e-mail Linda Waugh, JA, [WaughL@leoncountyfl.gov](mailto:WaughL@leoncountyfl.gov) with the following information. Please include all parties in your e-mail including pro-se.

**The case number**

**The title of the motion, petition, or matter that will be the subject of the hearing**

**The realistic estimate of how much time is needed for all participants**

The JA will provide three available hearing times to the person requesting the hearing. The person requesting the hearing must then coordinate / clear one of the dates / times with all parties. Once a date has been selected you must confirm with the JA that the date is still available. The JA will instruct that the hearing has been set and that a notice of hearing will need to be filed and provide a courtesy copy to the JA. A notice of hearing must be filed within 48-hours and it must indicate if the hearing is evidentiary or not.

Please do not copy the JA in any communications between parties.

### **No Agreement on Hearing Dates:**

If the parties cannot agree on a hearing date, the movant shall notify the JA, who will bring the matter to the Judge's attention. The Judge may then schedule the hearing at the convenience of the Court. The movant must provide a Notice of Hearing.

### **Cancellation of Hearings:**

If your hearing is cancelled or rescheduled, all attorneys are tasked with notifying the JA as soon as possible. A notice of cancellation shall be e-filed by the attorney cancelling a scheduled hearing which will notify the Clerk to remove it from the docket. A hearing set by the Court may not be cancelled unless approved. The party not scheduling the hearing may not cancel the hearing unless agreed to.

### **Emergency Hearings:**

Requests or motions for emergency or expedited hearing are decided by the Judge.

**EVIDENTIARY HEARINGS/TRIALS**

If there is a contested evidentiary hearing or trial, you must exchange a witness list and exhibits (the actual documents) at least 30 days before the hearing or if there is an expedited hearing at least 48 hours prior to the hearing. The Court may adjust these time frames based on the individual circumstances of each case. Of course, you may submit a joint scheduling order as well to deviate from this requirement.

**EXAMPLE OF A DATE AND SIGNATURE**

DONE AND ORDERED in Leon County, Florida on this DDDD.

JJJ

Copies furnished: E-Portal  
or  
Name, address etc.

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**EXAMPLE OF AN EXHIBIT SUBMITTED AS PDF**

**EXHIBIT 2**

CASE NAME: JOE SMITH  
CASE NUMBER: 2023 CP 1111  
GOES WITH ORDER TO DETERMINE HOMESTEAD STATUS (EXAMPLE)

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