

The Honorable Linda S. Hallmark

Location

First Floor - Oakland County Courthouse, Courtroom W1

Telephone: 248-858-0290

Procedural Guidelines for Practice in Judge Linda S. Hallmark's Courtroom

In order to better serve the attorneys and litigants appearing in Judge Hallmark's courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings.

Background

Judge Hallmark is a graduate of Michigan State University and Wayne State University Law School. She has served on the Probate Court/Family Court since 1997. Judge Hallmark was a referee for the Oakland County Friend of the Court from 1980-1997. From 1977-1980, she practiced Probate law with the firm of May & May, P.C. in Detroit.

Orders Presented for Judge's Signature

- **Signatures:** Original signatures must appear on all orders. Clients and Attorneys must both sign orders (if applicable). No faxed signatures will be accepted.
- **True Copies:** The court will process four true copies of each order signed, or as many true copies as there are parties, whichever is greater.
- **Returning Orders:** True copies of orders will be mailed if a self-addressed stamped envelope is provided with the order. If an envelope is not attached, true copies will be held for two business days. Because of space constraints, orders cannot be held for a longer period. If orders are not picked up, the original order will be filed and the true copies will be discarded.

Motion Practice

- **Check-In Procedure:** Motions are heard at 8:30 a.m. on Wednesday mornings. Hearing dates are set by the moving party. Check-in for motion call begins at 8:30 a.m. No one will be allowed to check in later than 9:30 a.m. unless good cause is shown. Due to the volume of motions that are scheduled, all motions must be ready to be heard, with all parties present in the courtroom no later than 11:00 a.m. Parties and their counsel are to meet with the Friend of the Court (if appropriate) prior to going before the Judge. The staff attorney may meet with counsel prior to a discovery motion being heard, in order to resolve disputed issues.
- **Judge's Copy of Motions and Briefs:** A copy of the motion and response must be delivered to the Judges office. The Judge reviews all motions and responses prior to hearing. Copies of all pleadings must be delivered to the judge's office no later than 12:00 pm on Friday.

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- **Adjourned Motions:** Opposing sides must seek concurrence from the moving party in order to adjourn. If the motion is adjourned, a new judges copy must be filed with the judges clerk upon rescheduling of the motion. The moving party must contact the judge's office no later than Tuesday if a motion will be adjourned or has settled. It is the responsibility of the moving party to file a new praecipe and notice of hearing.
- **Late Filed Praecipes:** Praecipes must be filed timely and accurately in order to have your motion placed on the docket. No add-ons are accepted.
- **Emergency Motions:** A request for an emergency motion may be submitted at any time. To be considered, a written petition explaining the request must be submitted to the court.
- **Motions to Settle Orders:** A transcript of the proceeding in which the order was made must be submitted to the court prior to the hearing on the motion.
- **Request for Evidentiary Hearing:** If an issue involves a factual dispute, a motion must be filed in order to request an evidentiary hearing before the judge.
- **Miscellaneous:** All Personal Protection Order related motions are heard on Wednesdays at 8:30 am. The moving party must file a praecipe for a regular motion.

Mandatory Language for Orders and Judgements

Notice regarding new law which limits the distance a child can be moved within the state of Michigan: A parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act of 1970 PA 91, MCL 722.31.

Impositions of liens are by operation of law and if support arrearages are greater than one year then the payor's real and personal property may be encumbered and seized. MCL 522.603(6)(b).

Both parties must notify or telephone number WITHIN 21 days, following:

1. a change of address or telephone number WITHIN 21 DAYS,
2. any occupational license,
3. if they hold a driver's license and the license number,
4. their social security number. MCL 522.603(6)(c)(d)(f).

Both parties shall keep Friend of the Court informed of the name, address, and phone number of their current source of income, and any health care coverage available as a benefit of employment or that is maintained by them as required by MCL 552.16(4)(a)(b) and 522.603(6)(e).

Public Act 565 of 2002, Section 5C(1), effective 12/01/02: Requires all support order to be stated in monthly amounts payable on the first of each month in advance.

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Effective Immediately: All orders and judgements for child support or spousal support shall be payable in a monthly amount payable on the first of each month in advance. For child or spousal support that is payable through the Friend of the Court, the effective date of the support order shall be the first day of either the preceding or subsequent month, whichever is more appropriate.

Divorce

- **Settlement Conferences/Pre-Trials:** Settlement Conferences are only scheduled on divorces with minor children. There is no pretrial scheduled for divorces without minor children prior to trial date, unless specifically requested by counsel. Counsel and all parties are to be present at these hearings. If the case is not settled when it comes in for the settlement conference, a domestic scheduling order will be issued which will assign a trial date with cutoffs for discovery, mediation, filing of trial briefs, etc. Settlement Conferences cannot be waived.
- **Adjournments:** Short-term adjournments of settlement conferences may be considered if good cause is shown. Only one adjournment will be allowed. Requests for first adjournment of trial, must be made timely, stipulated orders to adjourn must be submitted timely. Adjournments will not be considered the day before unless it is of an emergency nature. Any subsequent adjournments must be requested by filing a motion.
- **Discovery:** Discovery cutoff extension requests must be brought before the cutoff date by motion.
- **Settlements:** Settlements may be placed on the record by notifying the court clerk and requesting a time for the taking of proofs. No written motion is required.
- **Trials:** Parties and counsel are expected to comply with all dates set forth in the domestic scheduling order. All exhibits are to be marked prior to trial and a book of proposed exhibits must be submitted to the court. Proposed findings of fact must be submitted after trial. Before the Judge will try a case, it must be mediated. Trial briefs must be submitted timely according to the domestic scheduling order. Oldest cases are given priority. Any other cases scheduled the same day will be placed on standby, which will put all parties on 24 hours notice.

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- **Judgments:** Judgments of divorce must be submitted within 21 days after hearing. MCR 3.211(G). All statutory language must be included in judgments of divorce. MCR 3.211, MCL 552.16, 722.31, and 552.603. Clients and Attorneys must sign all judgments of divorce and QDROs. A pretrial will be scheduled to ensure submission of the judgment, if it is not presented at the time proofs are taken. Appearance at the pretrial is mandatory if a judgment of divorce has not been entered. Failure to appear at the pretrial will cause the case to be dismissed.

Probate

Probate petitions are heard Wednesday afternoons at 1:30 p.m. The Court will schedule contested probate matters for hearing. Status, settlement and pre-trial conferences are conducted upon request by counsel.

Attorney and Guardian ad Litem Appointments

- **Juvenile Matters:** The Court handles appointments for guardian ad litem in guardianship and neglect cases, attorneys for juvenile delinquency, as well as parents who are respondents of neglect petitions. Attorney appointments are done on a rotation basis. Those interested in court-appointments should submit their business card to the court clerk and indicate what type of appointments are of interest and what seminars have been taken. The majority of attorney appointments for juvenile delinquency and neglect matters will be handled through the Attorney Appointment Specialist Nicole Bennett. Attorneys seeking such appointments must submit an application to Circuit Court Administration.
- **Mental Health:** The Court handles appointments for mental health cases heard during our assigned duty judge week. Those interested in appointments should sign-up on the mental health attorney sign-up sheet posted outside the office door two (2) weeks prior to our duty judge week. The sign-up sheet will remain posted for one (1) week.
- **Other:** The court also appoints attorneys to represent respondents in personal protection order show cause and violation hearings, Friend of the Court show cause hearings, paternity cases and as guardian ad litem in divorce and guardianship proceedings.