

# **JUDGE MAUREEN H. KINSELLA** **PROTOCOLS**

These protocols will continue in effect until further notice.

## **Accessibility**

- Should you need a foreign language interpreter or sign language interpreter, please contact chambers as soon as possible. Failure to provide at least seven (7) days' notice may result in an adjournment. Refer to the Court's Accessibility page (<https://www.oakgov.com/government/courts/circuit-court/about/accessibility>) for more information and forms.

## **Adjournment Requests**

- The Court will accept for its consideration stipulations and proposed orders with good cause stated for adjournment of Scheduling Order dates. In domestic matters, stipulations and proposed orders must be e-filed. In juvenile matters, stipulations and proposed orders must be emailed to juvenile legal ([juvenilelegal@oakgov.com](mailto:juvenilelegal@oakgov.com)).

## **Recordation**

- **There shall be no photographs, audio or video recording, broadcasting, or livestreaming of court proceedings without the Court's permission.** Virtual court hearings are subject to the same rules as hearings conducted in person within a courtroom. See MCR 8.115.

## **Courtroom Proceedings**

- The Court conducts court proceedings in person and through electronic means.
- A notice re: Zoom hearing will be e-filed by the Court with a specific date and time for your hearing. It is your responsibility to review this information upon receipt through the e-file system.
- If a need arises for a private conference between attorney and client during a Zoom hearing, the Court will allow the conference in a breakout room.
- Trials and evidentiary hearings, including PPO hearings, will be **in person** and not conducted virtually at the Court's discretion.
- Contact the staff attorney with any questions or concerns.

## **Scheduling/Status Conferences**

- The Court will issue scheduling orders as soon as possible.
- Attorneys will receive an email requesting they identify a stipulated mediator. Attorneys should respond promptly.
- The Court supports parties proactively scheduling mediation as soon as possible.

## **Divorce & Domestic Relations Matters**

- The Court will take statutory proofs via Zoom if the Court has been provided with a proposed judgment of divorce and ancillary documents, 48 hours prior to the proofs being offered.
- If parties are self-represented, the Court requires all parties to appear to place proofs on the record.
- If the parties are requesting a 21-day order for return of judgment, the Court must be provided with a signed settlement agreement, or a mediation audio recording at least 48 hours in advance of the Court proceeding with the statutory proofs. If a 21-day Return of Judgment of Divorce (ROJOD) Order is entered, parties shall submit signed final documents by 12:00 p.m. (noon) the day before or appear at the hearing/Return of

Judgment date.

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- Trial briefs and exhibits shall be submitted to the Court electronically in compliance with its scheduling orders.
- If default judgment is sought, the party must comply with MCR 2.603 and MCR 3.210, including but not limited to, the filing of a separate non-military affidavit.

### **Juvenile Matters**

- The Court may, if appropriate and in its discretion, refer a hearing to a referee.
- The Court encourages filings or position summations by both the petitioner and respondent in advance of any scheduled hearings.

### **Personal Protection Orders**

- The Court hears these matters in person.

### **Ex Parte/Emergency Motions**

- If filing an ex parte motion, parties shall refer to and comply with MCR 3.207.
- Prior to labeling and filing an emergency motion, parties shall consider the definition of emergency: an exigent circumstance in which immediate assistance is needed because someone is in danger. If a motion is labeled as an emergency and is filed with a notice of hearing and/or praecipe, if the motion is dismissed, the Court may exercise its discretion to dismiss the notice of hearing and/or praecipe and require the party to file their motion anew for a Wednesday the Court is hearing motions.
- Because it can take half a day for filings to be added to the court file, parties shall e-mail a copy of their motion and any proposed order to chambers ([kinsellachambers@oakgov.com](mailto:kinsellachambers@oakgov.com)) and copy the staff attorney ([mcintyrel@oakgov.com](mailto:mcintyrel@oakgov.com)) to ensure a timely decision from the Court.

### **Non-Emergency Motions on Domestic Cases**

- Praecipes are required for motions to be addressed by the Court.
- Prior to filing any motion, attorneys must comply with Local Rule 2.119(B) and make reasonable and diligent attempts to make personal contact with opposing counsel and request concurrence in the relief sought.
- If the opposing party is not connected to the e-file system, an email address must be provided in the caption.
- Motion practice rules apply. If a response is not received by Monday at 12:00 p.m. (noon), the Court will not consider it. If Monday is a court holiday, responses must be submitted to the Court on Friday by 4:30 p.m. If an attorney has a conflict with the deadlines, they may request an adjournment of the filing deadline or motion hearing date.
- If a party has any confidential exhibits, the moving party shall write in their motion that the exhibit is not being placed in the public court file and instead is being provided directly to chambers and the responding party. The moving party shall email a copy of those proposed exhibits to chambers and copy the staff attorney.
- A party may praecipe a motion 3 times. However, the Court may dismiss the

motion without prejudice after a 3<sup>rd</sup> praecipe.

- The Court may waive oral argument.
- All motions regarding custody, parenting time, and support will be referred to the Friend of the Court for a pre-motion conference. Parties/attorneys should anticipate contact from the Friend of the Court or the Court with a time and date for that pre-motion conference. Failure for the moving party to attend this pre-motion conference may result in the Court issuing an order dismissing the motion. If the matter is not resolved and settled by agreement of the parties at the pre-motion conference with Friend of the Court, and the moving party wants the motion to be heard by the Judge, the moving party **MUST submit a re- praecipe and file a re-notice of hearing identifying the Wednesday on which you want the motion heard by Judge Kinsella.**
- If parties are not connected to the e-file system, a separate proof of service must be timely filed, or the motion will be dismissed for improper service.
- In addition to filing your **Motion for Reconsideration or Motion for Summary Disposition**, please e-mail a copy to the Staff Attorney at [mcintyre@oakgov.com](mailto:mcintyre@oakgov.com). Motions for Reconsideration will be decided without oral argument unless otherwise directed. Motions for Summary Disposition must be filed with a Notice of Hearing which indicates that the date/time is “to be determined by the Court.” A Scheduling Order will issue shortly thereafter.
- **Attorneys are expected to only have one court appearance via Zoom at a time. If an attorney has a conflict that cannot be resolved, the attorney should contact the Court or seek an adjournment in advance of their scheduled hearing.**

For e-filing details, please see

<https://www.oakgov.com/government/clerk-register-of-deeds/court-records/efiling>

### **Motions for Order to Show Cause**

- Motions for order to show cause are governed by MCR 3.606, which relates to contempt proceedings and is distinct from general motion practice under MCR 2.119. Parties should refer to MCR 3.606, pertinent statutes, and relevant case law prior to filing a motion to show cause. Unless defective, the Court will schedule motions for show cause/contempt hearings, typically on the first available Wednesday afternoon. Parties and attorneys are expected to appear, and all shall indicate their unavailability if necessary. Non-represented contemnors will be appointed an attorney.

### **CHAMBERS CONTACT INFORMATION**

- Phone: (248) 858-0363
- Judicial Clerks / Chambers email: [kinsellachambers@oakgov.com](mailto:kinsellachambers@oakgov.com)
- Staff Attorney, Lesley McIntyre: [mcintyre@oakgov.com](mailto:mcintyre@oakgov.com)
- Judicial Assistant, Michele Kliewer: [kliewerm@oakgov.com](mailto:kliewerm@oakgov.com)

### **Zoom Room 21**

- **Zoom ID: 248 858 0363**
- Direct Link: <https://miscac-6c.zoom.us/my/maureenkinsella>
- From browser: [www.zoom.us](http://www.zoom.us) - > 248 858 0363
- From telephone: (646) 876-9923 - > 2488580363
- From h.323: 162.255.37.11##2488580363
- From iOS/Android: Download Zoom from App Store

### **Public Nature of Court**

**The courtroom is public.**

**All are welcome to appear in person at 1200 North Telegraph Rd, Pontiac, in Courtroom 3A.**

**The virtual courtroom is public. People will be admitted as they log and while Court is in session. As a member of the public, please log in with the username listed as PUBLIC, audio muted, and video turned on.**

**Parties and attorneys are expected to dress and behave appropriately in virtual Court just as if they were in the Courthouse. Driving, eating, and smoking are all prohibited while in session. Litigants must be alone in a room or private space and free from distractions to attend Court. Children are not permitted unless expressly requested by the Court.**