

COURT PROTOCOLS

Judge McMillen

Location

Third Floor - Courtroom 3C - Oakland County Courthouse Telephone:
248-858-0337

Procedural Guidelines for Practice in Judge McMillen's Courtroom To better serve the attorneys and litigants appearing in Judge McMillen's courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings. All civil cases and appeals are to be electronically filed.

Background

Judge McMillen is a graduate of the University of Detroit School of Law and was a practicing lawyer for 17 years before being elected to the 51st District Court in 1994. She was appointed to the Oakland County Circuit Court in 2010. Judge McMillen is the past president of the Oakland County District Judges Association and the Michigan District Judges Association. She serves on various executive and advisory boards.

Courtroom Proceedings

The Court is conducting both live and virtual (Zoom) proceedings as set forth below. With advance arrangements with the Court, live proceedings may be conducted virtually, and virtual proceedings may be conducted live.

- **Live Proceedings:**
 - All civil and criminal bench and jury trials – unless arrangements are made in advance with the Court.
 - All criminal proceedings for defendants being held in custody at the Oakland County Jail and all hearings on violations of probation.
- **Virtual Proceedings:** SEE ZOOM INSTRUCTIONS AT THE BOTTOM OF THIS PROTOCOL
 - Early Scheduling Conferences
 - Civil Pretrial Conferences
 - Civil motion call
 - Criminal proceedings for defendants who are not in custody at the Oakland County Jail and are not currently responding to an alleged violation of probation.
 - Appeals

Motion Practice

- **Scheduling of Summary Disposition Motions:** A party requesting a hearing on a motion summary disposition must contact the Judge's Staff attorney, Elena Kaatz at kaatz@oakgov.com or (248) 466 4781. Elena will issue a briefing schedule.
- **Motions to Adjourn:** Judge McMillen is not granting any extension of scheduling orders except in exigent circumstances, requests to extend dates must be brought by motion and scheduled for hearing.
- **Scheduling of All Other Motions, Including Motions in Criminal Cases:** For motions necessitating oral argument, Judge McMillen will hear such via Zoom video and/or audio during the regular Wednesday morning motion call. However, the actual times of the hearings will be staggered throughout the morning.
- By the Monday before a Wednesday motion call, the clerk will distribute the docket with the time of the hearing along with Zoom instructions to all parties whose email address is attached to the case file. If you have issues concerning the time a hearing is set, please call Kathy at (248) 466-4491.
- To have a motion heard, the motion and praecipe must be e-filed. Instruction on e-filing are found at: <https://www.oakgov.com/government/courts/circuit-court/programs/efiling>
- **After Your Hearing**
 - Unless otherwise directed by the Court, parties **MUST** e-file an Order containing the Court's ruling. The Order must be signed by all counsel (electronic and signed with consent signatures are acceptable). Orders filed without the signature of all counsel must be e-filed and submitted pursuant to [MCR 2.602\(B\)\(3\)](#) (7 day rule).

TROs/Injunctions

The Court follows MCR 3.310 and grants ex-parte relief as per the court rules. The Court may accelerate the briefing schedule. Parties seeking ex parte relief should bring to chambers a Judge's Copy of the Complaint, motion, and exhibits.

Early Scheduling and Pretrial Conferences

The Court will hold Early Scheduling and Pretrial conferences on the dates contained in existing scheduling orders. However, the court is staggering start times to make better use of litigant time. All persons connected to the e-file system will receive notice, at least a day in advance, of the actual time of the conference. Conferences will be conducted by Zoom video and/or audio conferences. The court will use these conferences to adjust scheduling order dates, including the date of trial, and will consider delays impacting the litigation.

Civil Pretrials

- A final pre-trial/settlement conference is required in all cases and is generally scheduled for the Wednesday afternoon six weeks before the trial date. The court is conducting these conferences by Zoom and is staggering start times to make better use of litigant time. All persons connected to the e-file system will receive notice, several weeks in advance, of the actual time of the conference. Attorneys and clients must be present on the Zoom call.
- A joint final pre-trial order drafted in conformity with the court's Case Management Order, along with jury instructions and verdict form (in jury cases) are due at the time of the pre-trial conference. (See "Civil Trials" section below for more information)

Criminal

- Criminal call is on Thursday.
- All hearings on violations of probation are heard in-person at 1:00 p.m. All arraignments, pretrials and sentencing for defendants who are not in custody will be heard on Zoom, unless the parties request, or the court directs otherwise.
 - Cases scheduled for the morning Zoom docket will be heard between 10:00 a.m. and 12:00 p.m. as set forth in the docket sheet sent out by email by the court's judicial assistant two days in advance of Thursday's call. **Attorneys are responsible for providing their client with log-in information and exact, staggered time for the Zoom hearing.** For any questions concerning the criminal docket,

please contact Kiara Hernandez at hernandezk@oakgov.com. Or (248) 466 4301.

- Cases scheduled for the afternoon Zoom docket will be heard after the live hearings scheduled for 1:00 p.m. pursuant to the email sent out by the court's judicial assistant two days in advance of Thursday's call. **Attorneys are responsible for providing their client with log-in information and exact, staggered time for the Zoom hearing.** For any questions concerning the criminal docket, please contact Kiara Hernandez at hernandezk@oakgov.com. Or (248) 466 4301.
- Defense attorneys **MUST** submit a Referral for PSI by email to the court's probation liaison immediately after the entry of a plea, to ensure a timely sentencing.

Appeals

Hearings on general civil and criminal appeals will be scheduled for virtual oral argument as required. Contact Elena Kaatz (above) with any questions.

Scheduling and Discovery

- Initial scheduling orders are computer-generated by the Case Management Office.
- Judge McMillen is not granting any extension of scheduling orders except in exigent circumstances, requests to extend dates must be brought by motion and scheduled for hearing.

Civil Trials

- **Trial schedule:** Monday (all day); Tuesday (all day, except on days the court presides over the Adult Treatment Court docket); Friday (all day). All-day sessions are 8:30 a.m. to 5:00 p.m.
- Unless excused by the Court, counsel and parties must appear on the assigned trial date and be prepared to start trial. Settlement documents must be filed on or before the trial date to avoid dismissal for failure to appear.
- Exhibits must be marked by counsel prior to trial and must be submitted on the first day of trial; Plaintiff - numbers; Defendant - letters.
- Trial briefs are allowed, but not mandatory.
- The Joint Final Pretrial Order in jury trials and proposed findings of fact and conclusions of law in bench trials must be filed at or before the final pre-trial conference in conformity with the Case Management Order.
- In jury cases, proposed jury instructions and a verdict form must be

submitted along with the Joint Final Pretrial Order.

- If a jury instruction and/or verdict form is contested, the contesting party must supply the Court with legal authority supporting its position.
- Proposed jury instructions on plain paper (i.e., without citation of authority or identity of proponent), and the verdict form must be submitted electronically in Word (not Word Perfect) format at the time of the final pre-trial conference. Contact Clerks for email address for submission.
- The Court conducts basic voir dire and allows counsel to follow up and ask more in-depth questions.
- The jury will be charged after final argument and may take a set of the instructions into deliberations along with exhibits.
- The jurors are allowed to take notes and ask questions of witnesses (questions from jurors are screened by the Court in consultation with counsel before being asked).
- The Court has a wall-mounted 55" monitor to which a computer may be connected to display exhibits to the jury. Any materials that are storable on a computer should be displayable on the monitor. Contact the Court's staff for details.

Forms

The following forms are unique to Judge McMillen. These forms are for your information only. The Court will initiate these forms when necessary.

Litigants should not submit these forms to the court.

- Amended Scheduling Order
- Case Management Order

Zoom Instructions:

For proceedings conducted via Zoom video and/or audio conferences:

Members of the public may determine when a Zoom conference will be held by going to <https://jsos.oakgov.com/OaklandCounty> . The criminal docket for the week will be posted on this webpage on Wednesday of the week the hearing is scheduled. Members of the public who wish to attend a Zoom

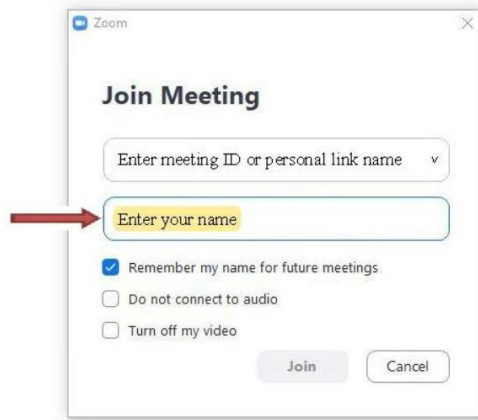
conference hearing may follow the instructions below. For specific times for criminal matters, please contact Kiara Hernandez at (248) 466-4301 or hernandezk@oakgov.com. For civil matters, contact Kathy Adams at (248) 466 4491 or Shelley Crane at (248) 466 4084. You may also check case filings and scheduled dates on Court Explorer

<https://courtexplorer.oakgov.com/oaklandcounty/SearchCases> .

- **Additional Information for Zoom hearings:**
 - A Zoom meeting room is an extension of the courtroom and appropriate conduct, and attire is expected and required.
 - Remote participants must use a private, indoor, and quiet room with appropriate lighting that will be free of interruptions. A good internet connection is imperative.
 - Wearing headphones during the proceedings is best practice as it eliminates potential feedback, we ADVISE all parties to wear headphones.

- **To join a hearing**
 - **Tablets and Phones:** Install the free Zoom App from the App Store or Play Store prior to the call. At the time of the call launch the Zoom app and join using **Meeting ID 248 858 0337**
 - **Audio-only via Telephone:** Call (646) 876-9923. Connect using **Meeting ID 248 858 0337**
 - **Desktop, PC's, and Laptops:** Download the free Zoom App for additional functionality or go to the Zoom Website (zoom.us), click on “Join a Call” or “Join a Meeting” and using Meeting ID **248 858 0337**
 - **Technical Responsibilities:** The court uses Zoom meeting services for the Virtual Court Room experience. If you are having TECHNICAL issues with your equipment, you should review Zoom training and support materials at Zoom.us. Please understand Zoom is an independent service provider and will have NO knowledge of your court case or legal issues. To run an automated test, go to zoom.us/test. The court does not provide time during court proceedings to troubleshoot issues. It is your responsibility to ensure that your connection works before your court date.

- **Party Identification**
 - **Where to identify yourself:** When joining the zoom meeting please identify yourself by typing in the box that says “Enter your name” in the “Join Meeting” window on Zoom (see illustration below) **before** joining the meeting. This function only works when the Zoom app is downloaded and is vital to being able to determine when parties to a given case have arrived in the waiting room. Please download the app before logging in.

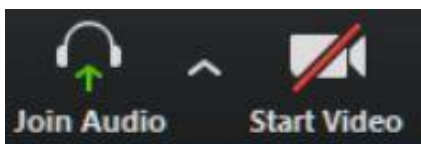


- **How to identify yourself:** To assist the clerk in identifying you, please type in your case number, then PL or DF (for plaintiff or defendant), then your name with last name first. **(EXAMPLE: 19-243695-NI PL Stewart, Martha)**. While you are in the waiting room, the clerk will only be able to see the first 18 digits entered. Please follow the example.
Members of the public can simply type **“Public”**.

Joining the Zoom meeting:

Upon joining the zoom meeting, you will be placed in a waiting room. Members of the public will be brought into the main Zoom room at the beginning of the session or as they appear in the waiting room. Other participants will be brought in when their matter is ready to be called. Please watch for “chat” messages from the host.

- When your case is called, you will see all participants on the call, including the judge.
 - Select “Join with Audio” when prompted or select the icon as shown below.
 - Select “Join with Video” when prompted or select the icon as shown below.
 - These icons will appear on the bottom left corner of your zoom screen.
 - If connecting with a smart phone, tapping your screen will bring up prompts to join with audio and video.



After Your Hearing

- Unless otherwise directed by the Court, parties **MUST** e-file an Order containing the Court's ruling. The Order must be signed by all counsel (electronic and signed with consent signatures are acceptable). Orders filed without the signature of all counsel must be e-filed and submitted pursuant to **MCR 2.602(B)(3)**
- E-file instructions can be found by accessing: <https://www.oakgov.com/courts/circuit/programs/Pages/eFiling.aspx>.

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