

**Honorable Linda S. Hallmark's Courtroom Protocol**  
**Chief Probate Judge Pro Tempore**

Second Floor of the West Wing Extension, Courtroom W-4  
Telephone: 248-858-0289

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. 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.

**Adjournments**

No adjournments will be granted without permission of the court per court order, even if stipulated to by all parties. Please note that this is not to aggravate the parties, but rather to ensure proper docket management and the adherence to mandated time guidelines. If the parties so stipulate to an adjournment and the court permits the same, the Stipulation and Order must comply with MCR 2.503.

**Petitions**

**Proofs of Service:** All proofs of service must be filled out completely and filed prior to the court hearing. The court cannot proceed without proper service on all the interested parties.

**Hearings:** Probate petitions are scheduled through the probate office and are heard Wednesday mornings at 8:30 a.m. The court will schedule contested probate matters for hearing. Status, settlement and Pre-trial conferences are conducted upon request by counsel.

**Check-In Procedure:** Petitions are heard at 8:30 a.m. on Wednesday mornings. Hearing dates are set by the Probate Counter. Check-in for Probate 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 petitions that are scheduled, all petitions must be ready to be heard, with all parties present in the courtroom, no later than 11:30 a.m. The staff attorney may meet with counsel prior to a petition being heard in order to resolve disputed issues.

**Emergency Hearings:** A request for an emergency hearing may be submitted at any time. To be considered, a written petition explaining the request must be submitted to the court.

**Motion 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.

**Summary Disposition:** All motions for summary disposition pursuant to MCR 2.116 must be scheduled with the judge's staff attorney.

### **Attorney and Guardian Ad Litem Appointments**

The court handles appointment of guardians ad litem on probate matters. Attorneys seeking these appointments must have taken the appropriate seminar and may see the court clerk for appointment.

### **Petitions for Use of Funds in Conservatorships for Minors<sup>1</sup>**

The general principle, which this Court will follow, is that it is this Court's responsibility to preserve a minor's money until the minor attains age 18. The Court will not authorize the spending of that money on basic items or services, which the minor should otherwise obtain from his/her parents or legal guardian. This policy applies to petitions seeking authority to use monies in restricted bank accounts and petitions requesting approval of expenditures in the annual accountings of such conservators.

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<sup>1</sup> This policy is adapted from the Kent County Probate Court.

In the case of petitions seeking authority to use monies in restricted accounts, the Court will grant authority to withdraw restricted funds only in conformance with this written policy. In the case of unrestricted funds, it will be the conservator's responsibility to only spend money in accordance with this policy. These specific principles apply:

1. No expenditure will be allowed unless it directly benefits the minor.
2. No expenditure will be allowed that benefits the minor if the expenditure relieves a parental obligation that should otherwise be met by the parent/guardian. Exceptions to this rule may include such things as unusual medical expenses, unique educational costs or other unusual expenditures for the minor that may create an exceptional burden for the parent/guardian and are related to an injury suffered by the minor resulting in conservatorship funds. Before such an expenditure is allowed, documentation must be presented that the parent cannot otherwise provide the benefit. Receipts documenting the expenditure allowed will be presented to the Court within 14 days of an Order allowing withdrawal of money from a restricted account.
3. Expenditures regarding maintenance of the principal in the minor's account will be allowed by *ex parte* order. An example of such an allowable expense would be payment of taxes due on interest income earned from the account.
4. Under no circumstances will money be released to the Department of Health and Human Services or at its request to relieve a parental obligation as such an obligation is the parent's and not the child's.