

## **Honorable Kathleen A. Ryan's Courtroom Protocol**

Presiding Judge of the Estates Division

1<sup>st</sup> Floor – Courtroom 1F – Oakland County Courthouse

Telephone: (248) 858-0250

### **Procedural Guidelines for Practice in Judge Kathleen A. Ryan's Courtroom**

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

#### ➤ **GUARDIAN AD LITEMS**

Court appointed Guardian Ad Litem must discharge all statutory duties, including without limitation an ***in-person*** meeting with the respondent depending on the scope of the appointment. (See, MCL 700.5305 (1)(a), MCL 700.5305(2) MCL 700.5306a (2)). An explanation as to the failure to discharge a statutory duty must be provided to the court at the time of the hearing.

#### ➤ **Orders**

The party requesting an order or judgment from the court is responsible for preparing the order and serving it on all interested persons/parties. Orders are to be picked up and dropped off in the courtroom. A party may provide a self-addressed stamped envelope for return of an entered order. Orders not picked up within 14 days will be destroyed and a copy may be purchased from the probate counter.

#### ➤ **Motion/Petition Practice**

All motions/petitions must be in proper form complying with the Michigan Court Rules, including without limitation numbered paragraphs or use of the SCAO approved form, if one exists.

Motions for Summary Disposition which merely claim it should be granted under MCR 2.116 (C) (1-10) for the reasons stated in the accompanying brief may be dismissed without hearing.

Motions must comply with the court rules and have numbered paragraphs setting forth allegations to support the relief requested as required by the Michigan Court Rules.

The combined length of any motion and brief, or of a response and brief, may not exceed 20 pages double spaced, exclusive of attachments and exhibits.

#### ➤ **Judge's Copies of Motions and Briefs**

Except for Accountings, a copy of the motion/Petition and Response/Objections, including all supporting briefs, must be delivered to the Judge's chambers, and clearly marked "Judge's Copy" with the hearing date also clearly marked. The Judge reviews all motions and responses prior to the hearing. Copies of all pleadings (except Accountings and Objections) must be delivered to the Judge's chambers no later than 12:00 p.m. on the Friday preceding a Wednesday hearing, or 3 business

days before a hearing scheduled on a non-Wednesday.

- **All hearings scheduled on Wednesdays before Judge Ryan are in person hearings.**
  - Requests to be heard via remote hearing technology (ZOOM) shall be made by the **completion and filing of PC 586, a Petition and Order Form** available from the Oakland County Probate Court webpage or from the following link:  
<https://www.courts.michigan.gov/4a800f/siteassets/forms/scao-approved/pc586.pdf>.
  - A request to participate via remote hearing technology (ZOOM) using the form PC 586 **does not require payment of a separate filing fee**.
  - The request to participate via remote hearing technology (ZOOM) **must be filed** with the court **no later than seven (7) full days prior to the scheduled hearing**.
  - Judge Ryan will review the request to participate via remote hearing technology (ZOOM) and determine whether to grant or deny the request on a case-by-case basis.
  - A party authorized to participate via remote hearing technology (ZOOM) is responsible for complying with Judge Ryan's remote hearing protocols. (See Remote hearing protocols by accessing this link <https://www.oakgov.com/home/showpublisheddocument/14268/638101253643570000> ).
  - The remote hearing technology (ZOOM) meeting ID is 248 858 0250; or the direct link is: <https://miscao.zoom.us/my/kathleenryan>.

#### ➤ **Check-in Procedure**

The courtroom will open at 8:00 a.m. for checking in purposes. Attorneys, GALs, PGs and PAs – if you are appearing on more than one case, please present the Clerk with a list of your cases and we will attempt to call all of your cases together, based upon the time when you first check-in and/or the nature of the petition (i.e. new filing vs. existing case). Please notify the Clerk when all parties are present.

All new Petitions on adult and minor Guardianships and Conservatorships, and all first Petitions in Estate and Trust cases will be scheduled for 10:00 a.m. All other cases will remain on the 8:30 a.m. docket. The Court will schedule contested probate matters for a non-Wednesday morning hearing. No Discovery motions are heard on Wednesday mornings, and must be scheduled through chambers' staff.

#### ➤ **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.

#### ➤ **Discovery**

A contested matter is subject to mandatory initial disclosures per MCR 2.302. Discovery cutoff extension requests must be brought before the Court before the cutoff date by motion. Moreover, pursuant to the Michigan Rules of Court, all

discovery must be fully completed by the scheduled cutoff date, versus a discovery request being made just days before the cutoff date. There will be no exceptions without good cause shown. Finally, when seeking discovery, please be mindful that the scope of discovery in probate proceedings is more limited than the scope of discovery in general civil actions. MCR 5.131. Otherwise, the general discovery rules apply.

➤ **Summary Disposition**

All motions for Summary Disposition pursuant to MCR 2.116 must be scheduled with the Judge's staff attorney unless the hearing date is contained in a scheduling order.

➤ **Trials**

Parties and counsel are expected to comply with all dates and provisions set forth in the court's Scheduling Order. All exhibits are to be marked prior to trial and the parties and counsel must be ready to commence trial promptly as scheduled. In addition to the original exhibits to be introduced at trial, all parties and counsel must supply a copy of each exhibit to the Judge, opposing counsel(s) and the witnesses for bench trials; an additional 7 copies are required for jury trials.