

# **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, it must be emailed to chambers ([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 video teleconferencing.
- The Court shall conduct many proceedings via electronic means, including Zoom video and/or audio conferences, and similar 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 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, with trials set approximately 90-120 days after the conference date.
- Attorneys will receive an email requesting they identify a stipulated mediator. Attorneys should respond promptly. The Court will issue the scheduling order without the need to appear for the Scheduling/Settlement Conference.
- The Court retains its mediation requirement, unless excused by motion and order, and 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 in order 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, a mediation audio recording, or notice of a settlement 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.
- On the record, the parties and attorneys must waive and/or consent to the matter being heard in person in Court.
- If a Return of Judgment date falls during the duration of this order **and** the matter is contested, the attorneys or unrepresented parties shall notify the Court's staff attorney as soon as possible. Otherwise, existing orders directing Return of Judgment remains in effect as drafted.
- 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 all aspects of MCR 2.603 and MCR 3.210, including but not limited to, the filing of a separate non-military affidavit.

### **Juvenile Matters**

- Subject to the Sixth Judicial Circuit Court COVID-19 State of Emergency Procedures and these protocols regarding emergency and non-emergency proceedings, the Court will continue to hear matters as scheduled or review matters and issue orders, if appropriate.
- Parties seeking relief for juvenile matters shall follow the appropriate procedures on the Oakland County Circuit Court COVID-19 Court Information website (<https://www.oakgov.co/courts/circuit/resources/Pages/COVID-19-Court-Info.aspx>).
- 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**

- Parties seeking emergency relief shall follow the appropriate procedures on the Oakland County Circuit Court COVID-19 Court Information website (<https://www.oakgov.com/courts/circuit/resources/Pages/COVID-19-Court-Info.aspx>).
- The Court will follow the directives of the Sixth Judicial Circuit Court COVID-19 State of Emergency Procedures.

### **Emergency Motions**

- Parties shall e-file their emergency motion with a copy of their proposed emergency order through the Oakland County E-filing system. The proposed order shall include the notice provisions required in MCR 3.207(B)(5)-(6).
- Since there sometimes is a delay from the time the e-file system routes pleadings to

the Court file, parties shall also email a copy of their motion and 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.

- If the moving party has any exhibits, which are confidential, or concern a minor child and therefore would be inappropriate to have attached to the public court file, 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. Then the moving party shall email a copy of those proposed exhibits to chambers ([kinsellachambers@oakgov.com](mailto:kinsellachambers@oakgov.com)) and copy the staff attorney ([mcintyrel@oakgov.com](mailto:mcintyrel@oakgov.com)).

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

- Judge Kinsella accepts praecipes, and 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, so the opposing party receives the notice to appear via Zoom from the Court along with the log-in information.
- Motion practice rules apply. If Judge's copies are emailed, please note they are only saved for 2 weeks. If a motion is re-noticed beyond that, a new judge's copy should be emailed if it has documents not attached to the original motion filed with the Court or unredacted information. If a response is not received by Monday at 12:00p.m. (noon), the Court will not consider it. If Monday is a court holiday, responses must be submitted to the Court on Friday by 4:30p.m. If an attorney has a conflict with these response deadlines, they may request an adjournment of the filing deadline or motion hearing time and the Court may consider that request.
- 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 and/or request briefing in lieu of oral arguments.
- All motions regarding custody, parenting time, and support will be referred to the Friend of the Court for a pre-motion conference. If a motion is regarding custody, parenting time, or support, 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 meeting 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.

- All cases are now e-file. 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.
- **Motions for Reconsideration / Motions for Summary Disposition** filed must be brought to the attention of the staff attorney. All Motions for Summary Disposition must be scheduled with the staff attorney directly. Email the staff attorney directly before e-filing

For e-filing details, please see

<https://www.oakgov.com/clerkrod/court-records/Pages/efiling.aspx>

### **CHAMBERS CONTACT INFORMATION**

- Phone: (248) 858-0363
- Judicial Clerks / Chambers email: [kinsellachambers@oakgov.com](mailto:kinsellachambers@oakgov.com)
- Staff Attorney, Lesley McIntyre: [mcintyrel@oakgov.com](mailto:mcintyrel@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 virtual courtroom is public. People will be admitted as they log in to Zoom 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*.

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.

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 strictly prohibited while in session. Litigants must be alone in a room or private space and free from all distractions to attend Court. Children are not permitted unless expressly requested by the Court.