

**Honorable Jennifer S. Callaghan's Courtroom Protocol**

**Second Floor, Courtroom W4 - West Wing Extension**

**Phone: 248-858-0240**

**Fax: 248-858-1506**

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**The following policies and guidelines are applicable to matters assigned to Judge Callaghan. Please read thoroughly and periodically before contacting chambers with questions as there is a lot of helpful information and links that can more efficiently answer frequently asked questions.**

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## **Court Hearings**

IT IS THE RESPONSIBILITY OF THE PARTIES TO CAREFULLY READ YOUR NOTICE OF HEARING FOR INFORMATION ON WHEN, WHERE AND HOW YOUR HEARING WILL BE HELD. IF A REMOTE PROCEEDING IS NOT INDICATED, **YOU MUST APPEAR IN COURTROOM W4 - West Wing Extension** FOR THE HEARING, IF YOU WISH TO PARTICIPATE.

Due to the large volume of cases pending, wait times for hearings can be substantial, whether the hearing is held remotely or in the courtroom. Your patience while other cases are being heard is appreciated. Adherence to the courtroom policies will help facilitate the efficiency and expediency of business before the court.

### **Remote proceedings/Zoom**

The "Zoom courtroom" is an extension of the physical courtroom and ALL OF THE SAME RULES OF CONDUCT APPLY. Any party wishing to participate in a remote proceeding MUST read the instructions/policies that you received PRIOR to the hearing date\*. Failure to adhere to the policies and/or inappropriate conduct will result in the hearing being rescheduled, removal of a party from participating, requiring the hearing be held at the courthouse, dismissal of the petition/motion or contempt – or a combination thereof.

The "Zoom courtroom" is an extension of the physical courtroom therefore all participants must have **both** video and audio capabilities. If a party does not have video capability (ie. no access to a smartphone/computer/tablet), they must make a request in writing at least 7 days before the hearing to chambers to appear without video. If a party appears by phone only without explicit approval, they will **NOT** be allowed to participate in the hearing.

Your device must be on a stable surface at all times during a hearing. Participation while driving/in a moving vehicle/walking/holding a device in your hands is **NOT PERMITTED** and will result in the hearing being rescheduled, removal of a party from participating, requiring the hearing be held at the courthouse, dismissal of the petition/motion or *contempt of court* – or a combination thereof. All audio and video capabilities must be engaged during the hearing.

Please practice and become familiar with using Zoom PRIOR to your hearing. Technical difficulties with equipment or connection will result in the hearing being rescheduled and/or requiring the hearing be held at the courthouse at a future date.

Please log into zoom 15 minutes prior to your scheduled hearing time so the Judge's staff may check in all parties in a timely manner. Once you have checked in, please do not leave your device as cases will

be called only when all necessary parties are present.

Because there can be many (30+) hearings scheduled for the same time, the Judge's staff work to let parties know that their case is next, however, it is not always possible. If you do need to step away from your device for a moment, please notify staff. Please keep in mind that this is a courtroom. You must be dressed and act accordingly.

\*The Zoom instructions/policies for Judge Callaghan can be found here:

<https://www.oakgov.com/home/showpublisheddocument/14274/638101253655270000>

### **In person/courtroom**

If your hearing is scheduled to be held in person, please check in with the Court clerk upon arrival with the name of the case you are here for, your name, and your relationship to the case. You are not permitted to appear via Zoom for a hearing scheduled at the courthouse without a petition and order requesting same filed at the probate counter at least 7 days prior to the hearing, and order approving signed by the Judge.

## **Proofs of Service\*/Notice**

Service of each document filed with the court (i.e. Petition and Notice of Hearing) on each Legally Interested Party as defined by statute and Michigan Court Rule 5.125 is required before the matter can be heard, regardless if you think they are "interested" in participating in the hearing).

If the documents are mailed to an individual, it must be done at least 14 days prior to the date of the hearing. If they are handed to an individual (personal service) it must be done at least 7 days prior to the date of the hearing. Failure to do so will result in the hearing being rescheduled or the petition/motion being dismissed.

The law and court rules require that a Proof of Service **must** be filled out completely and filed with the Court before a hearing can be held. The original Proof of Service must be filed with the probate counter. Please email a copy directly to chambers ([judgecallaghanchambers@oakgov.com](mailto:judgecallaghanchambers@oakgov.com)) if within one week of the hearing so that the document makes it to the file. The NAME of the case (not case #) and the date of the hearing **MUST** be in the subject line of the email (ex: proposed order for Bob Jones guardianship 1/1/2023 hearing)

\*A blank Proof of Service can be found at:

<https://www.courts.michigan.gov/siteassets/forms/scao-approved/pc564.pdf>

### **Guardianship/Conservatorship Petitions**

*Personal Service* of Petitions and Notice of Hearing for Guardianship/Conservatorship (an additional accompanying documents) and the Notice of Hearing is **REQUIRED** for the individual for whom guardianship/conservatorship is requested, without exception. Failure to do so will result in the hearing being rescheduled or the petition/motion being dismissed.

## **Court Orders**

A proposed order(s) shall be submitted to the Court at least 5 days **PRIOR** to your scheduled hearing to assist in timely execution of the order. Proposed orders **SHALL** be emailed to the chambers email at

least three (3) days prior your hearing (ex. By Friday for the following Wednesday motion call) Proposed orders shall be emailed to: [judgecallaghanchambers@oakgov.com](mailto:judgecallaghanchambers@oakgov.com) . The NAME of the case (not case #) and the date of the hearing MUST be in the subject line of the email (ex: proposed order for Bob Jones guardianship 1/1/2023 hearing). The SCAO approved order **must** be used if there is one available for the purpose. MCR 5.113(A)

At the conclusion of your hearing, please let the Judge know how you would like to receive a true copy of your order:

- Order from the court's website
- Pick up in the courtroom
- Send a self-addressed, stamped envelop

As with any other documents filed with the court, the law requires service of orders on the appropriate Legally Interested Parties by the prevailing party, followed by a Proof of Service evidencing same to be filed back with the court.

## **Adjournments**

Adjournment requests must be made in writing and supported with the reason for the request.

No adjournments will be granted without permission of the court per court order, even if stipulated to by all parties. If the parties so stipulate to an adjournment and the court permits the same, the Stipulation and Order must comply with MCR 2.503.

## **Withdrawing/Dismissing Petitions**

If you have filed a petition or a motion with the court, and you no longer wish to proceed, you must send a written request to the court in advance of the hearing as soon as practicable to have the matter dismissed and hearing canceled to avoid assessment of costs as well as facilitate the efficiency and expediency of business before the court for all. Significant resources are dedicated to preparing for a scheduled hearing.

## **Judge's Copy of Motions and Briefs**

A copy of filed motions, briefs, responses, and any objections must be delivered to the Judge's chambers.

All documents must be clearly marked "JUDGE'S COPY" with the hearing date. The document will not be read if not filed with the probate counter and served on the appropriate Legally Interested Parties.

Copies of all pleadings (except accounts and objections) must be delivered to Judge's chambers by 12:00 pm on Friday before a Wednesday hearing. The Judge reviews all Wednesday motions and responses before Tuesday.

## **Emergency Hearing Request**

Hearings are scheduled by the probate counter (1<sup>st</sup> floor) approximately 3 weeks out to allow for sufficient time for notice/service as required by law. A request for an emergency hearing (to be held without satisfying the required advance notice) can be filed at any time with the probate counter. The Emergency Supplemental form must be completed with reason why proper notice before a hearing should not be required (ie., Dr. evaluation, police report, etc). Once this is filed, it will be sent directly to chambers for the Appointment of a Guardian Ad Litem (GAL) to investigate and make a recommendation. The GAL will provide a report to chambers within approximately 3 days (provided the parties cooperate) and the Judge will then make a determination whether there is sufficient legal basis to hold a hearing without satisfying notice requirements. Notice of an expedited hearing must be

properly served on all parties. If service is not completed, it will be adjourned.

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

The court handles the appointments of guardian ad litem (GAL) and court appointed attorneys on all probate matters. If you are an attorney and seeking to be added to the court-appointed list, you must complete the appropriate training and complete all requirements. Once completed, you may reach out to the court clerk for appointments. All GAL reports shall be emailed to chambers email the Friday prior to the court hearing: [judgecallaghanchambers@oakgov.com](mailto:judgecallaghanchambers@oakgov.com) . If there are circumstances that will prevent you from meeting the submission deadline, please contact chambers.

## **Basic Training for Guardians and Conservators**

The schedule for the free classes, offered via Zoom, can be found here:

<https://www.oakgov.com/government/courts/probate-court/case-types/guardianships-conservatorships>

## **Hearing Dates**

Unlike Circuit Court, Probate Court does not use praecipes and does not have E-Filing. All hearing dates are assigned by the Probate Clerk's office at the time of filing.

- **Summary Disposition Motions**

All hearing dates for summary disposition motions (MCR 2.116) must be scheduled through the Judge's staff attorney after filing with the probate counter. Such motions ARE NOT heard during Wednesday motion call. If you have mistakenly been given a date for hearing by the probate counter for a Wednesday, please contact chambers for a new date.

## **VIEWING RECORDED HEARINGS**

Recorded hearings may be viewed at the courthouse by submitting the Request for Viewing Video Court Proceedings, found here <https://www.oakgov.com/home/showdocument?id=1664>, to the court administrator at least 24 hours in advance of the requested viewing date and time. Requests can be submitted to the court administrator via email at [huttone@oakgov.com](mailto:huttone@oakgov.com) or sent by mail to the following address:

Probate Court  
ATTN Court Administrator  
1200 N. Telegraph Rd.  
Pontiac, MI 48341

- Please note that viewers are strictly prohibited from photographing, recording audio, recording video, broadcasting or live streaming the hearing recording.

## **Blank Court Forms**

Blank Court approved forms can be found at <https://www.oakgov.com/government/courts/probate-court/resources/information-publications/forms>