



## Judge Brian S. Pickell Policies & Procedures

Judicial Administrative Secretary: Michelle Orvis [morvis@co.geneseemichigan.gov](mailto:morvis@co.geneseemichigan.gov)  
(Email preferred versus phone, quicker response)

Law Clerk: Carly Cerak [CCerak@geneseecountymichigan.gov](mailto:CCerak@geneseecountymichigan.gov)

Courtroom Location: 5<sup>th</sup> Floor, Room 504

Phone: 810-257-3238

Court Clerk/Diane Sanborn 810-768-7930 [dsanborn@co.geneseemichigan.gov](mailto:dsanborn@co.geneseemichigan.gov)

Juvenile Court Clerk/Leslie Miracle 810-257-3510 [lmiracle@co.geneseemichigan.gov](mailto:lmiracle@co.geneseemichigan.gov)

Transcript Request Line: 810-424-4454

**ZOOM:** (Civil, PPO motions/criminal status conferences) 834 487 7653 (No pass code needed)

### Judicial Procedures and Practice

#### MONDAY MATTERS:

9:00 a.m.	Criminal Pretrials/Pleas/Status Conferences
9:30 am.	Criminal Motions/License Restorations
10:30 a.m.	Probation Matters/PVS/Show Cause
1:30 p.m.	Civil Motions
2:00 p.m.	Civil PPO Motions
2:30 p.m.	Summary Disposition (Call office to secure date)

#### TUESDAY MATTERS:

8:30 a.m.	Sentences
1:30 p.m.	Juvenile Docket
2:30 p.m.	Abuse and Neglect Docket

### CIVIL

**Pretrials:** Notice is mailed and pretrials are conducted by telephone. It is plaintiff's responsibility to initiate and arrange the conference call, and have all counsel of record present on the telephone before the Court joins. (Every pretrial notice mailed has instructions for the conference call

attached.) When a pretrial date has been scheduled, it is the plaintiff's responsibility to advise any new attorney entering the case of the scheduled date. After the pretrial conference has been held, a Pretrial Summary and Order will be generated outlining cut-off dates and setting a trial date. If scheduled deadlines need to be changed (i.e., discovery, motion, case evaluation and trial) the request must be brought before the Court by way of Motion and Notice of Hearing.

**Motions to Extend Deadlines:** If the Court grants a motion to extend deadlines, counsel for the prevailing party is to submit an Amended Pretrial Summary and Order (consistent with the format of the original Pretrial Summary and Order) for the Court's signature **within one week of the hearing. ALL CIVIL MOTIONS ENCOURAGED TO USE ZOOM.**

**Adjournments:** Civil motions may be adjourned by calling the judge's secretary, court clerk or law clerk by 5:00 p.m. on the date the motion was originally scheduled. If no contact with the court is made, the motion will automatically be dismissed. Only two adjournments of any motion are permitted. Only the moving party can request an adjournment. Upon adjournment, the moving party must file a Re-Notice of Hearing. **ALL CIVIL MOTIONS ENCOURAGED TO USE ZOOM.**

**Case Evaluation:** If a motion to adjourn case evaluation is granted, sanctions must be paid by the requesting party. Contact the case evaluation clerk to find out if there are outstanding fees.

**Motions for Summary Disposition:** These motions are heard on the court's regular motion day at 2:30 p.m. and are to be **filed and heard** prior to motion cut-off date, pursuant to the Michigan Court Rules and in compliance with the Court's Pretrial Summary and Order. **A judge's copy must be delivered to the court's law clerk.** Do not file the judge's copy with the original motion in the Clerk's Office. Response briefs must be filed no later than the Wednesday preceding the motion. If a summary disposition motion is filed after motion cut-off or case evaluation date, a \$500.00 sanction fee must be paid by the moving party. **Motions heard by Zoom if counsel agree. With no agreement, counsel may appear as they choose.** The Court in its discretion on a case-by-case basis may insist on in person presentations if, among other things, multiple attorneys are involved and/or considerable documents will be discussed in oral argument.

**Motions for Reconsideration** are to be filed without a hearing date. However, the standard motion fee is required. The Court will determine whether a response is required and whether oral argument will be heard.

**Mandatory Settlement Conferences:** Mandatory Settlement Conferences are scheduled approximately two to three weeks before trial. It is important that the order attached to the Notice of Hearing scheduling the settlement conference be strictly adhered to (i.e., trial counsel and parties or people with authority to settle **MUST** be present). Adjournment of a mandatory settlement conference must be made with the judicial secretary so that a new date can be arranged.

**Orders:** If an order (with copies) is submitted with a stamped, self-addressed return envelope, please make sure the envelope is large enough for copies and there is adequate postage.

**Seven-Day Orders:** Orders submitted under the Seven-Day Rule are held by the Clerk's Office and submitted to the Court on or about the eighth day. After signature, the order can be picked up in the judge's out box located in the foyer entrance to the judicial corridor on the 5<sup>th</sup> floor. If a stamped, self-addressed return envelope is attached to the order, the order will be returned to the Clerk's Office for processing. If an objection is filed, the moving party must file, pursuant to court rule, a notice of hearing for any Monday at 1:30 p.m.

**Non-Jury Cases:** If the parties elect to submit a proposed **statement of facts** (with reference to

the witness from whom the testimony will come) to be used by the Court in deciding factual disputes, and a proposed **final order**, they shall do so the day before the final pretrial hearing.

**Jury Trials:** Trials are scheduled to begin Wednesday through Friday. Exhibits must be exchanged and marked by counsel, and the requested voir dire, jury instructions and verdict form must be provided to the law clerk no later than Monday prior to trial. All motions, motions in limine, disputes concerning voir dire, jury instructions and verdict forms must be filed and heard at last one week prior to trial. Counsel should clear their schedule so that the trial may continue uninterrupted until completed. Trials in Judge Pickell's courtroom generally are held all day Wednesdays, Thursdays and Fridays, and may continue on Tuesday mornings. IN PERSON. PARTIES MAY AGREE BY STIPULATION TO A WITNESS APPEARING VIA ZOOM.

### CRIMINAL

The Court will mail out pretrial notices after the file is received from the District Court and the prosecutor files the Information. When the defendant waives preliminary examination without a plea agreement in District Court, Judge Pickell will not consider a Cobbs proposal unless written proposal is filed. The Cobbs proposals must include a calculation of the PSI guidelines, the sentence proposal by counsel, and the reason for the proposal.

**Criminal Pretrials/Motion Cut-Off:** Dates will be scheduled by the Judge at the initial pretrial. Pretrials are held in the courtroom and defendants are required to appear. Any pleas may be placed on the record at that time. Incarcerated defendants will appear via video, unless other arrangements are made. PRETRIALS, PLEAS, SENTENCINGS AND EVIDENTIARY HEARINGS IN PERSON. CRIMINAL MOTIONS VIA ZOOM OR IN PERSON.

A judge's copy of any motion and brief shall be provided to the law clerk upon filing. Contact the criminal division of the Genesee County Prosecutor's Office, 810-257-3232, to learn the assigned assistant prosecutor.

**Non-Jury Cases:** If the parties elect to submit a proposed **statement of facts** (with reference to the witness from whom the testimony will come) to be used by the Court in deciding factual disputes, and a proposed **final order**, they shall do so the day before the final pretrial hearing. IN PERSON.

**Jury Trials** are scheduled to begin Wednesday through Friday. Exhibits must be exchanged and marked by counsel, and the requested voir dire, jury instructions and verdict form must be provided to the law clerk **no later than Monday prior to trial**. All motions, motions in limine, and disputes concerning voir dire, jury instructions and verdict form **must be filed and heard at least three weeks prior to trial**. Counsel should clear their schedule so that the trial may continue uninterrupted until completed. ALL IN PERSON. PARTIES MAY STIPULATE TO WITNESS APPEARING VIA ZOOM.

**Adjournments of Criminal Proceedings:** Prior to requesting the Court for an adjournment, approval must be sought from the prosecutor handling the case. You may reach the criminal division of the Genesee County Prosecutors at 810-257-3232.

### JUVENILE/CHILD PROTECTIVE PROCEEDINGS

**Trials:** Thursday and Friday of the Juvenile Term. (In person)

**Specialty Court:** Baby Court: Third Friday of each month, 1:00 p.m.