

STATE OF MICHIGAN
COURT OF APPEALS

In re Estate of JOSEPH WATSON.

JOSIELYNN WATSON, Personal Representative
of the Estate of JOSEPH WATSON, Deceased

UNPUBLISHED
June 18, 2013

Appellant,

v

BARBARA J. RUCKES,

Appellee.

No. 310182
Wayne Probate Court
LC No. 09-744014-DE

Before: RIORDAN, P.J., and TALBOT and FORT HOOD, JJ.

PER CURIAM.

Appellant, Josielynn Watson, Personal Representative of the Estate of Joseph Watson, appeals as of right the probate court order granting her sanctions of \$600 against appellee Barbara Ruckes. We affirm.

I. FACTUAL BACKGROUND

Through the course of probate proceedings for the estate of Watson's father, Josielynn Watson retained attorney Barbara Ruckes as legal representation. At some point during the pendency of the proceedings, the relationship between Ruckes and Watson deteriorated. Watson claimed that she repeatedly attempted to contact Ruckes but received no response. Watson ultimately filed a complaint with the Attorney Grievance Commission and petitioned the probate court for a refund of money she paid to Ruckes. She requested reimbursement of the retainer fee, an inventory fee, and appraisal fees, all of which she claimed she tendered to Ruckes and that totaled \$2,375.

Initially, the probate court granted the petition and awarded Watson \$2,375, as Ruckes did not appear at the hearing. However, Ruckes then filed a petition to set aside the court's order, arguing that she was not served with Watson's petition or the notice of the hearing until after the hearing. Ruckes also contended that Watson misrepresented material facts, including the fact that Ruckes had represented Watson on three different legal issues spanning two years, with only one retainer fee tendered. While the probate court initially reserved its ruling until the

result of the Attorney Grievance Commission complaint, Ruckes did not appear for the subsequent hearing, and the court upheld its order granting Watson \$2,375.

Watson then filed a petition for sanctions for expenses she claimed to have accrued as a result of the litigation, totaling \$1,421.39. Ruckes then filed an objection to Watson's petition and claimed that she missed the last hearing due to a misunderstanding about the date. Ruckes contended that the probate court's order awarding Watson \$2,375 was inequitable because it was more than any retainer fee tendered by Watson and that some of the money Watson paid was used for payments such as filing fees. Ultimately, the court reduced the sanction amount and ordered Ruckes to pay Watson \$600. Watson now appeals.

II. FEES

Because Watson did not advance any legal argument warranting relief, she has abandoned her claims. While Watson clearly disagrees with the trial court's ruling, she does not explain what legal error, if any, the probate court committed or cite appropriate authority in support of her position. "A party abandons a claim when it fails to make a meaningful argument in support of its position." *Berger v Berger*, 277 Mich App 700, 712; 747 NW2d 336 (2008); see also *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998).

Furthermore, even if we were to discern some cognizable legal argument in Watson's brief, reversal is not warranted. Watson primarily disagrees with the trial court's decision to revisit the issue of refunding the money paid to Ruckes amidst the sanction hearing. Trial courts, however, "have express authority to direct and control the proceedings before them" and they "possess the inherent authority to sanction litigants and their counsel, including the power to dismiss an action." *Maldonado v Ford Motor Co*, 476 Mich 372, 376; 719 NW2d 809 (2006). This control is "necessarily vested in courts" so they can "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Id.*

Furthermore, "[a]s a general matter, courts are permitted to revisit issues they previously decided[.]" *Hill v City of Warren*, 276 Mich App 299, 307; 740 NW2d 706 (2007). Court rules provide trial courts with "considerable discretion in granting reconsideration to correct mistakes, to preserve judicial economy, and to minimize costs to the parties." *In re Estate of Moukalled*, 269 Mich App 708, 714; 714 NW2d 400 (2006) (quotation marks and citation omitted). Specifically as it relates to probate courts, "[i]n the exercise of jurisdiction vested in the probate court by law, the probate court shall have the same powers as the circuit court to hear and determine any matter and make any proper orders to fully effectuate the probate court's jurisdiction and decisions." MCL 600.847.

Here, Watson was dissatisfied with Ruckes's representation and sought a complete refund of the retainer fee as well as other fees she alleged were expended in the probate proceedings. The probate court initially granted the requested relief because Ruckes failed to appear at the fee hearing, and it reaffirmed its order for the same reason. Once both parties were before the court, the court reconsidered its prior rulings, partly because the court learned that Watson had actually retained Ruckes in 2008 to assist with other matters relating to the estate, Ruckes used at least part of Watson's retainer to pay state filing fees, and that appraisals of Watson's father's house

were actually performed. In light of these circumstances, it cannot be said that the probate court's decision to reduce the monetary award was in error.

III. CONCLUSION

Because Watson failed to present sufficient arguments or legal authority to support her request for relief, she has abandoned her claims and reversal is not warranted even upon an examination of the probate court's ruling. We affirm.

/s/ Michael J. Riordan
/s/ Michael J. Talbot
/s/ Karen M. Fort Hood