

Honorable James M. Alexander's Practice Guidelines

Courtroom 1B, First Floor- Oakland County Courthouse

Court Clerk:	Katherine Siebenaler	248.858.5284
Court Clerk:	Brett Dery	248.858.5285
Secretary:	Donna LaBelle	248.858.5837
Staff Attorney:	Derek Howard	248.858.5462

In order to better serve the attorneys and parties appearing in Judge Alexander's courtroom, the following guidelines have been adopted. Please advise your clients and staff accordingly.

GENERAL

This Court is available for telephone or office conference by prior arrangement with the Judge's staff. Do not wait until an issue becomes an emergency before seeking the Court's assistance.

Counsel and parties should treat staff, witnesses, jurors, and opposing counsel and parties with decency and civility. Anything less will not be tolerated.

Counsel/parties should focus their legal analyses on a few well-chosen cases – preferably recent and from controlling courts – rather than using boilerplate recitations of the summary judgment standard or string citations to well-established legal principles.

Anyone appearing before the Court must be dressed appropriately. Those dressed inappropriately risk having their case not heard or be removed from the courtroom.

Cell phones, pagers, or any electronic devices with an alert notice are to be turned off prior to entering the courtroom and stored out of sight. Cell phones are never to be answered in the courtroom.

ORDERS PRESENTED FOR JUDGE'S SIGNATURE

True Copies: Our clerks will be happy to process four (4) true copies of each order signed, or as many true copies as there are parties, whichever is greater. Parties should present copies for processing with the proper Judge's name and case sticker.

Returning Orders: We will mail true copies of orders to you if you submit a stamped, self-addressed envelope. Otherwise, we will hold true copies for one week. If not picked up within seven (7) days, the original order will be filed, and the true copies may be discarded.

ADJOURNMENTS

See Divorce or Motions.

PERSONAL PROTECTION ORDERS

Matters relating to personal protection orders are never heard on Wednesday mornings. Please obtain a hearing date from a clerk prior to filing your motion.

DIVORCE

Adjournments: No adjournments will be granted without permission of the court. When necessary, the court will consider one (1) stipulated request PER CASE without the necessity of a formal motion. Requests must be based on good cause and “must state (a) which party is requesting the adjournment, (b) the reason for it, and (c) whether other adjournments have been granted in the proceeding and, if so, the number granted.” MCR 2.503. The stipulation must include a new date and time approved by the Court. Subsequent requests must be made by formal motion. Adjournments will not be granted for schedule conflicts with lower courts or for the ten oldest cases on the Judge’s docket (unless good cause is shown). One 60-day extension of summons will be granted upon a showing of good cause.

Ex Parte Orders: Ex Parte motions will not be granted unless specific reasons are included for their necessity. Ex Parte Orders are rarely granted when each party is represented by counsel. Status quo orders should be specific regarding what is to be maintained. Injunction orders must be mutual, and if prohibiting the removing, selling, encumbering, destroying, concealing, etc. of assets, must also state “except for the necessities of life or in the ordinary course of business.” Temporary orders providing for support, custody, or visitation (pursuant to MCL 722.27a); for exclusive use of marital home; or for attorney fees greater than \$350 must be brought by motion.

Settlements/Pro Cons/Default Entries: Please contact the clerk to schedule a date for your hearing. Do not file a motion and set it for a Wednesday, as your motion will be moved to another day.

Reconciliations: A thirty (30) day adjournment will be allowed upon stipulation. A dismissed case may be reinstated upon stipulation, within ninety (90) days, and without costs if so stated in the dismissal order. Otherwise, a formal motion to reinstate must be brought before the court.

Binding Arbitration: Proofs will NOT be taken until the final judgment is presented. Pre-trials are required after a case enters arbitration, until the final judgment is entered, to ensure progress.

Discovery: The discovery cutoff date and deadline for exchanging witness lists are set at the settlement conference on DM cases. In DO cases, because the first trial date is considered an actual trial date, counsel/parties must obtain prior Court approval to ensure a settlement conference (see below). The Court expects that discovery has commenced prior to the settlement conference. Requests for extensions must be made by written motion before the discovery cutoff. Although the Court rarely strikes or limits expert testimony, it will do so where a party fails to provide a report, except for rebuttal witnesses. Any witness that is not named will not be allowed to testify at trial.

Default Judgments: Prior to presenting proofs, you should file a default application; provide Defendant notice of your intent to take a default judgment and a copy of the proposed default judgment; and file proofs of service on the same. MCR 2.603.

Domestic Relations Judgment Information: Prior to presenting proofs, you must provide the Domestic Relations Judgment Information form to Friend of the Court. Your Judgment will not be signed before a proof of service is filed indicating this has been completed. MCR 3.211(F)(4)(a)

Waiving Balance of Statutory Waiting Period: This Court will waive the six (6) month statutory waiting period in divorce matters with children if the proper proofs are placed on the record. Please review MCL 552.9f for the necessary burden.

Bankruptcies: When a petition for bankruptcy is filed, counsel should notify the clerk immediately. Additionally, a notice of filing bankruptcy must be filed – including verification from the Bankruptcy Court that there is an action pending before them.

PRETRIAL/SETTLEMENT CONFERENCE

DO Cases: The Court considers the first trial date a true trial date and NOT a settlement conference. Counsel may request the trial date be converted into a settlement conference by submitting a stipulation to the court at least one week prior to the scheduled date. Such requests must include the specific issues indicating why a settlement conference is necessary.

DM Cases: This Court holds a settlement conference to determine an appropriate schedule for the case, to help define the issues in dispute, and to determine if further discovery is necessary to address those issues. Discovery should have commenced prior to the settlement conference. At the parties' request, or at the Court's own initiative, additional settlement conferences may be scheduled. Friend of the Court support guidelines must be run by counsel prior to their appearance at the scheduling conference and be available to the Court.

Attendance: Attorneys and clients must attend any settlement conferences. Counsel and clients should be prepared for serious settlement discussions.

Scheduling Order: The Court will issue a scheduling order following the conference. Be sure to take your copies with you, as this may be your only notice of subsequent events. The orders will contain deadlines for discovery, witness list exchange, mediation, and other important information. A mediator will be named (if necessary), and the trial date will be set. If the parties cannot agree on a mediator, the Court will assign one randomly from the Court's approved list.

TRIALS

Schedule & Witnesses: While varying from case to case, the Court generally starts between 8:30 and 9:00 a.m., and continues until 4:30 or 5:00 p.m. The Court recesses for lunch between 12:00 noon and 1:30 p.m. Shorter breaks are held during the course of the day. Counsel should plan the availability of their witnesses accordingly so that trial can move expeditiously.

Trial Briefs: Trial briefs must be filed, in all cases, seven (7) days prior to the scheduled trial date. Failure to file trial briefs in cases that go to trial will result in a minimum sanction of \$250 against the offender. Refer to your scheduling order for specific requirements. Be sure to identify uncontested issues. If a party has a genuine need to file a brief or motion in excess of the page limits, an ex parte motion explaining the need to do so must be filed. A party may not circumvent page limit requirements by changing font size or by briefing distinct issues separately. The Court encourages the use of a bench book.

Exhibits: Counsel should stipulate to as many exhibits as possible BEFORE the trial date. Proposed exhibits should not be filed with trial briefs, but rather should be retained for presentation at trial as they are admitted. Exhibits should be marked (Plaintiff—numbers; Defense—letters) prior to trial. Counsel should come prepared with extra copies of all proposed exhibits. The Court prefers that counsel request permission to approach a witness or the bench.

MOTION PRACTICE

Check-In Procedure: Motions are heard at 8:30 a.m. on Wednesdays. Check in by listed number. Pursuant to Local Court Rule 2.119(C), if the moving party of a praeciped motion has not checked in with the clerk by 9:30 a.m., the Court may dismiss the motion. If counsel for the opposing party in a motion praeciped for hearing has not checked in with the clerk by 9:30 a.m., the clerk shall call the case upon request of the moving party, and, if appropriate, the Court may grant the requested relief.

Judge's Copy of Motions and Briefs: Pursuant to MCR 2.119, you must deliver a Judge's Copy of your motion/brief directly to Chambers. The hearing date and time **must** be written on the front page.

Responsive Pleadings: An answer or responsive brief is just as important to the Court as it is to you. A copy of the responsive pleading must be delivered by 4:30 p.m. on the Friday preceding the scheduled Wednesday motion call. NOTE: We cannot guarantee receipt of pleadings left in the County Clerk's Office or slipped under the door.

Adjourned Motions: Requests for adjournments from the non-moving party should be submitted to the moving party. If a motion is adjourned, dismissed, or settled, the judge's chambers MUST be notified by 4:00 p.m. on the Tuesday prior to the motion or costs will be assessed against the moving party per MCR 2.119(E)(4)(b). Filing a re-praecipe alone does not give chambers sufficient notice. Acceptable notice can be made by telephone or in a faxed writing. Motions may only be adjourned a total of two times – thereafter, the motion must be updated and re-filed.

Seven (7) Day Order Objections: Objections filed in response to a 7-day order **must** conform to MCR 2.602. The objecting party must deliver a copy of the transcript to chambers by the Monday morning prior to the scheduled motion date. Costs will be assessed to the losing party.

Late Praecipes: Praecipes must be timely and accurately filed in order to have your motion placed on the Court's docket. A filed Notice of Hearing alone is insufficient to place your motion on the Court's docket – a praecipe is required. No add-ons will be accepted.

Emergency Motions: A request for an emergency hearing may be submitted anytime. To be considered, a written petition explaining the request must be submitted to the Court.

Evidentiary Hearing Requests: If you have an issue that involves a factual dispute, you must file a motion in order to request an evidentiary hearing before the Court.

Miscellaneous: The parties are encouraged to present a proposed order for signature on the date and time scheduled for the motion. Sizeable exhibits are to be bundled separately from the motion and brief. Motions for juvenile cases (delinquency and abuse/neglect) may be scheduled by contacting the clerk.