

## **Location**

Third Floor - Courtroom 3C - Oakland County Courthouse  
Telephone: 248-858-0337  
Fax: Not for Public Use

## **Procedural Guidelines for Practice in Judge Goldsmith's Courtroom**

To better serve the attorneys and litigants appearing in Judge Goldsmith's courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings. Effective January 2, 2009, the bulk of the civil docket will be subject to the e-filing system.

## **Background**

Judge Goldsmith was a partner of the Detroit-based law firm Honigman, Miller, Schwartz & Cohn, LLP, specializing in commercial litigation. He was also admitted to practice in New York, Texas and to the U.S. Supreme Court, U.S. Court of Appeals for the Sixth Circuit, U.S. Court of Military Appeals and numerous U.S. District Courts. Judge Goldsmith graduated from University of Michigan and Harvard Law School.

## **Motion Practice**

Motions heard promptly at 8:30 a.m. Wednesday; check-in with clerk. Add-on policy at Court's discretion. May disallow oral argument on some motions. Moving party sets hearing date for motions, except summary disposition. Dates for hearing and responses to summary disposition motion set by Court after motion is filed. For non-dispositive motions, the hearing must be set by the moving party for a Wednesday morning at least 14 days before trial, and must be served and filed at least 9 days in advance of the hearing if served by U.S. mail or 7 days in advance of the hearing if served by hand or pursuant to e-filing rules, except that motions to exclude or limit expert testimony must be served in all cases at least 14 days before the hearing. Responses to all non-dispositive motions must be served and filed no later than 4:30 p.m. on the Monday prior to the Wednesday hearing, except that responses to motions to exclude or limit expert testimony must be served and filed no later than 4:30 p.m. on the Wednesday one week prior to the Wednesday hearing. For cases not subject to e-filing, a Judge's copy of all motions, responses and briefs shall be submitted to Chambers upon the filing of such papers. For cases subject to e-filing, a paper copy of motions for summary disposition and motions to limit or exclude testimony, as well as responses and briefs relative to such motions, shall be submitted to Chambers upon e-filing the papers.

## **TRO/Injunction**

Court uses MCR 3.310 and grants ex-parte relief as per court rules. Court may accelerate briefing schedule.

## **Scheduling and Discovery**

Initial scheduling orders are computer-generated by Case Management Office. First adjournment extending dates for a total of 45 days, with the trial date adjourned to the first day of the next civil trial term, is permitted by stipulation and order. Additional or lengthier adjournments must be requested by a motion. Good cause must be shown; adjournments are not routinely granted.

## **Civil Pretrials**

Civil pretrials with attorneys are scheduled after motions for summary dispositions are scheduled, or upon request of a party. Court routinely orders facilitation. Attorneys should confer about stipulating to a particular facilitator before attending pretrial. Settlement conferences are required in all cases; attorneys and clients must be present. Court may allow parties to participate in settlement conference by telephone if parties are out-of-state; parties must have prior permission of Court and make arrangements. Court routinely becomes involved in settlement negotiations in civil jury trials.

## **Criminal**

Criminal: Sentencing's and arraignments held at 1:00 p.m. Thursdays. Will accept Cobbs pleas at arraignment or pretrials, but not after the final pretrial, which must be scheduled at least 7 days before trial.




## **Civil Trials**

Adjournment by motion for good cause only. Court does not routinely grant adjournments. Unless excused by the Court, counsel and parties must appear on the assigned trial date and be prepared to start trial on the assigned trial date and within 14 days thereafter. Exhibits marked by attorneys prior to trial and must be submitted on first day of trial; Plaintiff - numbers; Defendant - letters. Trial briefs allowed, but not mandatory. Joint Final Pretrial Order in jury and bench trials and proposed findings of fact and conclusions of law in bench trials must be filed at or before the final settlement conference in conformity with Case Management Order. Jury Instructions and verdict form due in jury cases along with Joint Final Pretrial Order. If a jury instruction and/or verdict form is contested, parties must submit authorities in support and opposing the instruction and/or verdict form. Proposed jury instructions on plain paper (without citation of authority or identity of proponent) and verdict form must be submitted on CD in Word (not Word Perfect) on first day of trial. Trial schedule; Monday (all day); Tuesday (all day, or possibly a.m. only); Thursday (a.m. only); Friday (all day). Wednesdays may be utilized for taking proofs or conferences with attorneys to resolve legal issues arising during trial. All-day sessions are 8:30 a.m. to 5:00 p.m.; half-day sessions are 8:30 a.m. to 12:30 p.m.

Court principally conducts voir dire, but may allow counsel to participate. Specific voir dire requests must be filed in civil cases one day before trial. Jury charged after final argument and may take instructions into deliberations along with exhibits. Jurors allowed to take notes and ask questions of witnesses. Counsel are encouraged to utilize the courtroom projector to display exhibits to the jury. Any materials that are storable on a computer should be displayable via the projector. Contact the Court's staff for details.

## Forms

The following forms are unique to Judge Goldsmith.

-  [Amended Scheduling Order](#) (file size 18k)
-  [Case Management Order](#) (file size 18k)
-  [Order for Mediation](#) (file size 18k)

Revised 11/12/09