

THE HONORABLE LISA GORCYCA

**Location: Fourth Floor Oakland County Courthouse
Courtroom 4B
Telephone: 248/858-0360**

PROCEDURAL GUIDELINES FOR PRACTICE IN JUDGE LISA GORCYCA'S COURTROOM

In order to better serve the attorneys and litigants appearing in Judge Gorcyca's courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings.

BACKGROUND:

Judge Gorcyca is a graduate of Michigan State University and Michigan State University – Detroit College of Law. She was elected to the Oakland County Circuit Court Bench and began her tenure on January 1, 2009. Judge Gorcyca is a former Oakland County Assistant Prosecuting Attorney and Chief of the Domestic Violence Unit and Elder Abuse Unit.

E-FILING:

Judge Gorcyca participates in the pilot E-filing Program. Please refer to:
<https://www.wiznet.com/oaklandmi/login.jsp>

SCHEDULING ORDERS:

The Case Management Office issues a standard scheduling order for all cases. All adjournment and extension requests must be made by motion and generally will be scheduled for hearing on motion day. The Court also uses a final pre-trial order that includes additional processes and dates over and above the standard scheduling order. Motions for summary disposition are scheduled pursuant to a separate order, see *infra*.

ARRAIGNMENT BY MAIL:

Judge Gorcyca accepts arraignment by mail. A Pretrial will be held on the first available criminal call date. The defense attorney is responsible for notifying the Assistant Prosecutor assigned to the case of any arraignment by mail.

JUDGE'S COPY OF MOTIONS OR BRIEFS:

Judge Gorcyca requires strict compliance with time constraints set forth in the Michigan Court Rules and/or her directives. Untimely filings will be rejected.

RESPONSIVE PLEADINGS:

A judge's copy of the responsive pleadings must be delivered by noon on Monday (or sooner) before the Wednesday motion call. NOTE: We cannot guarantee receipt of pleadings left in the County Clerk's Office or slipped under the door.

PRAECIPES FILED LATE:

If you were unable to timely or properly file a motion, we cannot add it to the motion call. You may re-*praecipe* the motion for hearing on a subsequent motion day. Be sure to check the legal newspapers to confirm that your motion is scheduled. If it is not on the call, check with the Case Management Office on the second floor. Notify opposing counsel to avoid needless trips to the courthouse.

MOTIONS AND MOTION DAY:

Except with leave by the Court or as otherwise described herein, motions are scheduled pursuant to the local court rules and are heard every Wednesday at 8:30 a.m. As the Court reviews all motions before the motion hearing, motions must include judge's copies. Parties may praecipe the motions (other than summary disposition) for any Wednesday of their choice. Motions are heard on a first come, first serve basis. You must check-in with the clerk when you arrive on motion day and inform the clerk if you leave to attend another courtroom. Absent good cause, the Court declines to hear add-ons. The Judge takes the bench promptly at 8:30 a.m.

MOTIONS FOR SUMMARY DISPOSITION APPEALS:

Motions for, and hearings on, summary disposition and appeals are scheduled pursuant to separate, independent scheduling directives. Praecipes relating to summary disposition motions and appeals must indicate that the hearing date will be scheduled by a date determined by the Court and must be accompanied by the moving party's motion and brief. To ensure timeliness, parties should submit the most recent scheduling order of the Court demonstrating that no motion cut-off date has precluded the filing of the motion. To schedule these matters contact Sheila Garin, the Judicial Staff Attorney, at 248/858-5427.

BRIEFS – LENGTH AND FORM:

All briefs must be in the form and length set forth in the Michigan Court Rules. There are no exceptions.

DEFAULT JUDGMENTS:

Default judgments must be scheduled for a hearing on motion day.

TEMPORARY RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS:

Pursuant to MCR 3.310, the Court generally holds hearings on the record for all motions to impose temporary restraining orders and preliminary injunctions.

MOTIONS FOR RECONSIDERATION:

Generally, there is no response or oral argument.

CRIMINAL CALL AND RELATED MATTERS:

Arraignments, pre-trial conferences, sentencings and violations of probation are heard on Mondays at 1:30 p.m. Arraignments by mail are acceptable at the request of the defendant and you must notify the assigned Assistant Prosecutor. The Court will consider making sentencing representations according to sentencing guidelines pursuant to *People v Cobbs*. All pretrial motions, including motions in limine, must be heard more than 14 days prior to trial; otherwise such motions are deemed waived unless good cause is presented warranting the delay.

ALTERNATE SERVICE:

Orders for alternative service must be accompanied by post office affidavit to determine whether the requested alternative service is proper.

PRO HAC VICE ADMISSION OF COUNSEL:

Pro hac vice admissions of counsel must be accompanied by a recommendation, a proper affidavit in which the counsel accepts jurisdiction of the Michigan Rules of Professional Conduct and enforcement thereof, and agreement that all notices to the represented party are sent to in-state counsel. See MCR 8.126.

CASE EVALUTION FEES:

Pursuant to circuit court practice, case evaluation fees may not be waived if case evaluation is adjourned within 14 days of the case evaluation.

JURY INSTRUCTIONS; TRIAL BRIEFS; AND RELATED MATTERS:

For all cases, a theory of the case and jury instructions and verdict form in written and electronic form (Word) (or trial briefs in the event of a bench trial) must be filed with the Court 14 days prior to trial (if not otherwise set forth in a pre-trial order).

ADR AND SETTLEMENT CONFERENCES:

The Court encourages the use of ADR techniques. The Court will hold settlement conferences on the request of all parties, and all parties with settlement authority must attend.

TRIAL:

The Court conducts general *voir dire* and attorneys conduct *voir dire* related to the circumstances of the case. The Court provides the jury with written jury instructions for deliberations.