

Honorable John J. McDonald

Location

Courtroom 2G – Second Floor, Oakland County Courthouse
Telephone: 248-858-0342

Procedural Guidelines for Practice in Judge McDonald's Courtroom

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

Background

Judge McDonald is a graduate of University of Detroit. He received a Master of Education at Wayne State University and his J.D at Detroit College of Law. Current term expires December 2004. He was a prosecutor for three years and in private practice for 20 years.

Scheduling / Conference

Scheduling conference held if requested. Scheduling order generate by Case flow Management. Status conferences may be held for lack of progress. Settlement conference may be held if the Court discerns it to be helpful; adjournments are allowed. Civil pretrials held at request, criminal pretrials held 2-3 weeks after arraignment. Parties may on occasion attend conferences by telephone; counsel must attend in person. Arrangements made with prior approval from the Court. Final pretrial conferences held if requested. Criminal sentence and arraignments held Monday mornings. Arraignments by mail are permitted. The Court does use criminal predisposition investigation. Court will consider Cobbs pleas except in probation cases.

Motion Practice

Civil and criminal motions heard 8:30 a.m. Wednesday. Check in with clerk by docket number. Oral argument not held on reconsideration motions. Moving party sets hearing date. Court does not allow reply briefs or supplemental briefs on dispositive motions. Timing/length of responses/responsive briefs pursuant to court rule. Motions in limine deadline set by scheduling order. Only emergency motions are heard on days other than motion days. Motions for evidentiary hearings held Wednesday afternoons. Motions for reconsideration are not given hearing dates, responses are allowed. Research attorney handles motions for reconsideration, summary disposition and appeals. Parties encouraged to present proposed order at hearing. Court permits oral bond motions.

TRO / Injunction

Court may grant ex parte relief under MCR 3.310 on case-by-case basis. Court may accelerate normal briefing schedule if necessary.

Discovery

Court allows 7 months discovery time for all types of cases. Time may be extended before cutoff date by motion only.

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Pretrial

Court does not request joint final pretrial order. Court will become involved in settlement discussions only at request of parties. Non-jury matters may be referred to another judge for settlement conference.

Trials

Court requires trial briefs to be *very* brief. Plaintiff to use numbers, defense to use letters for exhibits. Benchbook of exhibits not required. Opening statements limited to 20 minutes; closing arguments to 45 minutes – 1 hour. Court requires proposed findings for non-jury matters, may be amended after trial to conform with evidence. Submit proposed jury instructions at time of trial. Court and counsel conduct voir dire. Specific voir dire requests should be submitted to the Court for consideration. Jury charged before final argument. Jury can take instructions into deliberations; can take notes during trial but may not ask questions.

General

Remands on a case-by-case basis. Uses facilitation; may use arbitration depending on willingness of parties. Drivers license restoration by motion. District Court appeals set by research attorney, court rules are followed. Parties are show caused for non-compliance.

Remarks

Be on time and prepared.