

The Honorable Colleen A. O'Brien

Location

Second Floor - Oakland County Courthouse, Courtroom 2A
Telephone: 248-858-0368

Procedural Guidelines for Practice in Judge Colleen A. O'Brien's Courtroom

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

Scheduling/Conference

Scheduling orders are computer generated by the Case Management Office. The Court may hold settlement conferences on request. All parties must attend. Criminal sentences, pretrials and arraignments are held at 8:30 a.m. on Tuesday. Adjournments are permitted by motion only. The Court does not allow arraignments by mail.

Returning Orders

We can mail true copies of orders to you. Please submit a stamped, self-addressed envelope with your orders. If you do not attach an envelope, we will hold your true copies for two business days. Because of space constraints, we cannot hold them for a longer period. If not picked up, original order will be filed and true copies will be discarded.

Motion Practice

All motions must be in writing, properly filed and noticed for hearing. Oral (unwritten) responses are not permitted. The combined length of all motions and briefs must comport with the court rules.

Motion call is conducted promptly at 8:30 a.m. on Wednesdays. Motions are heard on a first come/first serve basis. Attorneys are encouraged to be on time and to check in with the court clerk upon arrival. Oral arguments are at the Judges discretion. As a general rule, if the brief is thorough, oral arguments are not necessary. Cases will not be added on unless there was a clerical error on the part of court staff.

Moving party sets hearing date for motions, except summary disposition. All dispositive motions are scheduled by the Court through its staff attorney.

TRO/Injunction

All requests for TROs must be made pursuant to the court rules and case law. The court does grant *ex parte* relief under MCR 3.310 if irreparable harm can be

The Honorable Colleen A. O'Brien

shown. Request for injunctive relief must be supported with the proper factual and legal basis at the time the request is made.

Discovery

Discovery is controlled by the Scheduling Order. Extensions for discovery are heard by motion only. The Court will consider appointment of a discovery master dependent on circumstances.

Pretrials

The Court issues a Pretrial Order which governs the course of trial on both civil and criminal cases. Pretrial conferences on civil cases are scheduled upon request only. Pretrials on criminal cases are set for 8:30 a.m. on Tuesdays. The Court will accept Cobbs pleas at arraignment or pretrials, but not on the day of trial.

Trials

Trials are scheduled by the Case Management Office. Adjournments are handled by motion, not by stipulation of the parties. Again, the Court issues a Pretrial Order which governs the course of trial on both civil and criminal cases. Exhibits must be marked prior to trial; you may obtain stickers from the court clerk. Plaintiffs use numbers and Defendants use letters for exhibits. Court conducts some voir dire and allows attorneys to conduct voir dire.

The Court requires proposed jury instructions on both civil and criminal cases. All jury instructions are to be received by the first day of trial. Jury instructions are to be one per page, double-spaced, 14-point font, Arial, bold print with headers centered on page. Please submit on a CD-Rom in Microsoft Word format or email them to the judge's secretary no later than the first day of trial. Jury charged after final argument and may take instructions into deliberations along with exhibits. Jurors are allowed to take notes during trial. Trial hours are from 8:30 a.m. until 5:00 p.m. All proceedings are expected to begin on time.

General

Court is open to all ADR techniques. Follow Court Rules for license restoration. District court appeals as per Court Rules.