

## **THE HONORABLE JUDGE MICHAEL WARREN**

### **Location**

Fifth Floor-Oakland County Courthouse  
Telephone: 248-975-4250  
Fax: 248-975-9796

### **Procedural Guidelines for Practice in Judge Michael Warren's Courtroom**

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

### **Background**

Judge Warren was appointed to the Oakland Circuit Court in December 2002. He is a graduate of the University of Michigan Law School (Juris Doctor Degree, Cum Laude) and Wayne State University (Bachelor of Arts Honors History.) He was previously a Michigan Supreme Court Judicial Clerk (Justice Dorothy Comstock Riley); practicing attorney with experience in litigation, appeals, corporations, securities, mergers and education; legal and policy advisor for the State Board of Education; Executive Director and counsel for The New Common School Foundation; and Member and Secretary of the State Board of Education.

### **Scheduling Orders - Generally**

For most cases, the clerk's office issues a standard initial scheduling order that sets an initial pretrial or settlement conference date. The initial pretrial or settlement conference date may only be adjourned by motion or upon the stipulation of the parties if good cause is provided in the stipulation. At the pretrial or settlement conference, after consultation with the parties, the Court will issue a binding pre-trial order that sets key dates such as the close of discovery, filing dates for witnesses lists, etc. Adjournment and extension requests of dates in the final binding pre-trial order must be made by motion and generally will be scheduled for hearing on motion day (hearings on stipulated orders may be waived if good cause is evident in the motion or stipulation). Motions for summary disposition are scheduled pursuant to a separate order, see *infra*.

## **Scheduling Orders – Evidentiary Hearings**

The Court issues scheduling orders for evidentiary hearings. All adjournment and extension requests must be made by motion and generally will be scheduled for a hearing on motion day.

## **Settlement Conferences**

Parties and counsel must appear for all settlement conferences with the Court.

## **Motions and Motion Day**

Except with leave by the Court or as otherwise described herein, motions are scheduled pursuant to the Michigan Rules of Court and local court rules and are heard on every Wednesday at 8:30 a.m. Absent good cause, the Court declines to hear add-ons. As the Court reviews all motions prior to hearing, motions must include judge's copies. Parties may praecipe the motions (other than summary disposition and appeals) 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. Cases and motions with Friend of the Court involvement are required to meet with the referees before appearing before the Court. The Judge takes the bench promptly at 8:30 a.m.

## **Motions for Summary Disposition and Appeals**

Motions for, and hearings on, summary disposition and appeals are scheduled pursuant to a separate, independent scheduling order issued by the Court. Praecipos relating to summary disposition motions and appeals must indicate 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.

## **Default Judgments**

All default judgments to be entered prior to the trial date must be scheduled for a hearing on motion day.

## **Ex Parte Orders**

Pursuant to MCR 3.207, the Court will not issue a proposed ex parte order without a verified pleading or affidavit alleging **specific facts** that (1) irreparable injury, loss, or damage will result from the delay required to effect notice, or (2) that notice itself will precipitate adverse action before an order can be issued. Proposed ex parte orders involving child support, custody, or visitation must contain the notice language mandated by MCR 3.207(B)(5). Custody or parenting time orders must contain the 100-mile provision language. Status Quo orders should be specific as to what is to be maintained. Injunction orders must be mutual and contain language allowing for the necessities of life. If an ex parte order is denied, the Court will issue an order denying such relief with an explanation of the reason for the denial.

## **Personal Protection Orders**

The Court scrutinizes and addresses all petitions to enter personal protection orders under MCR 3.701 *et seq.* and MCL 600.2950 and MCL 600.2950a.

## **Leaves to Appeal; Motions for Reconsideration; Motions for Resentencing**

Generally, the Court declines oral argument for applications for leave to appeal, motions for reconsideration, and motions for resentencing. However, if needed, the Court may issue a separate, independent scheduling order consistent with scheduling orders regarding motions for summary disposition and appeals.

## **Motions and Briefs – Length and Form**

All motions and briefs must be in the form and length set forth in the Michigan Rules of Court; provided, however, that cases involving complex constitutional matters, complicated business valuations, and other extraordinarily complex issues or issues of first impression may, upon the Court's approval, have a longer page limit.

## **Alternative Service**

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

### **Withdrawal/Substitution of Attorneys; *Pro Hac Vice* Admissions of Counsel**

As required by the Michigan Rules of Court, counsel may withdraw and be substituted only upon stipulation or motion. *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.

### **Jury Instructions; Trial Briefs; and Related Matters**

For all cases, jury instructions and verdict form in written and electronic form (Word or Word Perfect), or trial briefs in the event of a bench trial, must be filed with the Court 7 days prior to trial (if not otherwise set forth in a pre-trial order).

### **Alternative Dispute Resolution/Mediation**

The Court is open to and encourages the use of ADR techniques. The Court will hold (additional) settlement conferences on the request of all parties, and all parties with settlement authority must attend. Settlement conferences and mediation are mandatory in divorce cases.

### **Jury Trials**

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

### **Bench Trials**

In addition to trial briefs, see above, the Court, at its discretion, may require proposed Findings of Fact and Conclusions of Law following the hearing.