

Honorable Martha D. Anderson's Courtroom Protocol

Courtroom 2B, Second Floor – Oakland County Courthouse

(248) 858-7954

Procedural Guidelines for Practice in Judge Martha D. Anderson's Courtroom

In order to better serve the attorneys and litigants appearing in Judge Anderson's courtroom, the following guidelines have been adopted by the Court.

General

- Counsel and parties should treat staff, witnesses, jurors and opposing counsel and parties with decency and civility. Anything less will not be tolerated.
- Anyone appearing before the Court must be dressed appropriately. Those dressed inappropriately risk having their case not heard or being removed from the courtroom.
- Cell phones, pagers and all electronic devices shall be **turned off** (*not* simply silenced) **prior to** entering the courtroom and stored out of sight.

Case Management Conferences - Civil

- A Case Management Conference shall be scheduled by the Court via a Notice and Order to Appear following the filing of all first responsive pleadings in any civil matter. This Order contains directions for preparing a Joint Case Management Plan. Failure to file this plan may result in sanctions against one or more parties and/or their respective counsel.
- The Court holds a Case Management Conference to determine an appropriate Scheduling Order for each case. The Court will permit one adjournment of the Case Management Conference if stipulated to by all parties and for up to a period of two weeks only, depending upon the Court's availability.
- Discovery is expected to have commenced prior to the Case Management Conference. These Conferences will involve the discussion of the timing of the filing of motions, outstanding discovery issues, and settlement discussions. The parties should be prepared to name an agreed upon mediator and/or facilitator at the time of the Case Management Conference.
- The Court will issue a Scheduling Order following the Case Management Conference. The Scheduling Order is not a "guide." It shall be strictly adhered

to by the parties and their respective counsel. No adjournments of the Scheduling Order shall be permitted by the Court in the absence of a motion evidencing "good cause."

- In cases with a Bench Trial, the Court shall schedule a Final Pre-Trial Conference approximately one month prior to the scheduled Trial date. Final Pretrial Conferences require the appearance of Trial counsel only (unless otherwise ordered by the Court).
- In cases with a Jury Trial, the Court shall schedule a Settlement Conference/Final Pre-Trial Conference approximately one month prior to the scheduled Trial date. All parties (with full settlement authority) and their respective counsel shall appear for the Settlement/Final Pre-Trial Conference.

Civil Motion Call

- Check-In Procedure: Motions are heard at 8:30am on Wednesdays. Attorneys and Pro-Se Litigants shall check-in with Court Clerk by the listed number on the Motion Call List located directly outside of the courtroom. Motions are heard on a first come/first serve basis.
- Non-Appearance at Motion Call: Pursuant to Local Court Rule 2.119(C), if the moving party of a praeciped motion has not checked in with the Court Clerk by 9:30 a.m., the Court may dismiss the motion and/or assess a \$100 sanction against the movant, pursuant to MCR 2.119(E)(4)(b). If the non-moving party has not checked in by 9:30 a.m., the Court may call the motion and, if appropriate, grant the requested relief.
- If a motion is adjourned, dismissed, or settled, the moving party shall contact the Judge's Chambers by 4:00 pm on the Tuesday prior to the hearing date or costs will be assessed against the moving party, pursuant to MCR 2.119(E)(4)(b). Filing a re-Praecipe and re-Notice of Hearing alone does not give notice to the Judge's Chambers.
- The Court will not hear any motion in the absence of a properly filed Praecipe and Notice of Hearing. Add-ons are not permitted by the Court.
- The Court does not permit oral motions and/or oral responses to motions.
- The Court will strictly enforce MCR 2.119(A)(1) and (2) as it relates to all motions, responses, replies and briefs in support thereto.
- Seven (7) Day Orders: Objections filed in response to a 7-day order must conform to MCR 2.602. No exceptions.

- Motions for Temporary Restraining Orders and Preliminary Injunction (ex parte or otherwise) shall comply strictly with MCR 3.310. Failure to do so will result in the Court's denial of the motion.
- Protective Orders: See the Court's Model Business Court Protective Order.
- Emergency Motions: The movant shall contact the Judge's Chambers to inform the Court Clerk that an alleged "emergency" motion has been filed with the Court. The Court, in its discretion, will determine whether the motion is indeed an "emergency" and dispense with the motion accordingly.
- Summary Disposition Motions: When filing a Motion for Summary Disposition, the Notice of Hearing shall provide "a date and time to be determined by the Court." A Judge's Copy of any Motion for Summary Disposition, Brief in Support, and all attachments thereto must be provided to the Judge's Chambers. Upon receipt of the Judge's Copy, the Court will issue a Scheduling Order (providing briefing deadlines and hearing date, if one is deemed required the Court). **No Summary Disposition Scheduling Order will be issued by the Court in the absence of a Judge's Copy.**
- Judge's Copies: A Judge's Copy must be delivered to the Judge's Chambers for all of the following: (1) Motions for Summary Disposition, including Responses, Replies and Briefs in Support thereto; (2) Motions for Reconsideration; (3) Post-Trial Findings of Fact & Conclusions of Law; and (4) Appellate Briefs.

Criminal Call

- Check-in Procedure: Attorneys are expected to check-in with the Court Clerk between 8:00 a.m. and 8:30 a.m. Criminal Call begins promptly at 8:30 a.m. If an attorney must leave for another courtroom, they MUST first check in with the Court Clerk and then sign out on the whiteboard.
- Generally: Criminal arraignments, pre-trial conferences and sentences are held on Thursdays at 8:30 a.m.
- Adjournments: Adjournments require the filing of a motion and for good cause only.
- Arraignment by Mail: The Court does not accept arraignment by mail.
- The Court will accept a *Cobbs* plea at arraignment or pretrial, but not on the scheduled Trial date. No exceptions.

Final Pretrial Conferences - Civil

- If a matter has settled, then a Stipulated Order of Dismissal **must** be entered *prior to* the Pretrial date **OR** all Trial counsel **must** appear for the scheduled Pretrial Conference. Failure to appear for a Final Pretrial Conference (in the absence of a submission of a dismissal order) will result in the entry of a dismissal and/or default.
- If a matter has settled and a motion to approve settlement and/or distribute the proceeds of the settlement is required by law, said motion must be filed and heard **prior to** the Final Pretrial Conference. The Court will not hear motions at the Final Pretrial Conference.

Trials

- Schedule & Witnesses: The parties are expected to appear and be ready to begin trial promptly at 8:30 a.m. (unless otherwise directed by the Court). The Court recesses for lunch between 12:00 p.m. and 1:30 p.m. and will conclude at 4:30 p.m., generally speaking. Short breaks are held intermittently, in the Court's discretion. Counsel should plan the availability of their witnesses accordingly so that trial can move expeditiously.
- Exhibits: Counsel should stipulate to as many exhibits as possible BEFORE the date of Trial. Exhibits should be marked (Plaintiff— numbers; Defense— letters) prior to trial. Counsel shall be prepared with extra copies of all proposed exhibits.
- The Court conducts the initial voir dire of the jury, permitting the attorneys to conduct a limited voir dire thereafter.
- In jury cases, the Court requires *proposed* Jury Instructions to be filed with the Court and submitted to the Judge's Chambers in Microsoft Word format on a flash drive one week before the scheduled trial date. Each jury instruction shall be on a separate page, double-spaced, bolded, and 14-point Arial font, with headers centered at the top of the page. In non-jury cases, Trial Briefs (with *proposed* findings of fact and conclusions of law) shall be filed with the Court with a Judge's Copy delivered to Chambers one week before the scheduled Trial date.