

Honorable Kwamé L. Rowe

Courtroom Protocol

Fourth Floor – East Wing, Courtroom 4C – Oakland County Courthouse

Courtroom Telephone: 248-452-2005

Judge's Clerk: 248-425-6736

Judge's Clerk: 248-425-9942

Judicial Assistant: 248-421-7395

Procedural Guidelines for Practice in Judge Rowe's Courtroom

In order to better serve the attorneys and litigants appearing in Judge Rowe's courtroom, the Court has adopted the following protocols. Please advise your clients and staff so there are no misunderstandings.

Motions and Motion Day

Except by leave of the Court or as otherwise described herein, motions are scheduled pursuant to the local court rules and are heard every Wednesday at 8:30a.m. Parties must praecipe motions (excluding motions for summary disposition) for any Wednesday of their choice. **No add-ons are permitted.** The judge takes the bench promptly at 8:30a.m. Parties are expected to complete an order in accordance with the judge's ruling before leaving the courtroom. If you expect to be more than 15 minutes late, you must call chambers immediately to inform the staff. If the non-moving party has not checked in by 9:30a.m., the clerk shall call the case upon the request of the moving party and the Court may grant the requested relief if appropriate. If the moving party has not checked in with the clerk by 9:30a.m., the Court may dismiss the motion.

- **Responsive Pleadings:** Any responsive pleadings must be filed no later than the Monday before the motion. The cut-off time is noon. Any late filing will not be considered.
- **Adjourning Motions:** Only the moving party may adjourn their motion. The moving party must notify chambers by **4:00p.m. the Tuesday** before the Court is scheduled to hear the motion. The moving party shall notify other parties that the motion has been adjourned.
- **Dispositive Motions:** Please call the staff attorney to get a date to schedule your dispositive motion. The moving party must file a praecipe for the assigned date. Motions which exceed the page limit will be rejected. Late filings will be rejected.

- **Motions for Reconsideration; Motion for Resentencing:** A judge's copy is required. Unless the Court otherwise indicates, no hearing is scheduled, and no response is required.
- **Emergency Motions:** A request for an emergency hearing may be submitted anytime. To be considered, a written motion explaining the request must be submitted to the Court. Oral requests for an emergency motion will not be considered. The moving party shall call chambers to inform the Court that an emergency motion has been filed.
- **Appeals:** Follow court rules for license restoration and district court appeals.
- **Temporary Restraining Orders (TRO) and Preliminary Injunctions:** The Court strictly adheres to MCR 3.310 and will only grant *ex parte* relief in accordance with the court rules. The Court may accelerate the briefing schedule for motions for a temporary restraining order or preliminary injunction if good cause is shown.
- **Discovery Master (motions to compel):** Motions to compel will be referred to the discovery master for resolution. If the parties are not able to resolve, then the moving party shall advise the clerk by 10:45a.m. on motion day that the issue has not been resolved, and the Court will hear the motion. If the parties can resolve, then the moving party must submit a stipulated order to the Court via E-File within 48 hours after resolution.

Criminal Call

Criminal call will be held weekly on Fridays at 9:00 a.m. The judge takes the bench **promptly**. Attorneys are expected to check in with the clerk prior to 9:00 a.m. If you expect to be more than 15 minutes late, you must call chambers to inform the staff where you are. If you need to leave the courtroom for any reason, you must inform the clerk. Your case will not be placed in the call lineup until your client has arrived.

- **Arraignments by Mail:** This Court will accept arraignments by mail with the Court's prior permission. At least two days before the date of arraignment, parties must advise the criminal clerk that an arraignment by mail will be submitted. Parties must appear for arraignment if an arraignment by mail is not timely submitted.
- **Adjournments:** Adjournment requests must be submitted by stipulation. Requests to adjourn trial must be made by motion and will be granted only for good cause.
- **People v Cobbs:** The Court may consider pleas made pursuant to *People v. Cobbs* at arraignment or the pre-trial conference. It is within the Court's discretion to accept pleas made pursuant to *Cobbs* on the day of trial.
- **Motion Cut-Off:** All motions on criminal cases must be filed and heard at least two weeks prior to the scheduled trial date.

- **Sentencing Memoranda:** All sentencing memoranda and any other documentation for the Court's consideration must be filed at least three days prior to sentencing.

Civil Conferences

- **Early Settlement Conferences/ Status Conferences:** The Court holds early settlement conferences and/or status conferences as set forth in the parties' computer-generated scheduling order. Counsel may appear by Zoom. Clients need not attend these conferences.
- **Settlement and Final Pre-Trial Conferences:** The Court holds settlement and final pre-trial conferences after case evaluation. **Clients shall appear at these conferences.**

Trials (Generally)

A final pretrial order will be issued in all civil and criminal cases.

- **Schedule:** The Court conducts trial on the following days: Mondays and Tuesdays from 8:30a.m., to 4:30p.m., Wednesdays from 1:30p.m. to 4:30p.m., Thursdays from 8:30a.m. to 4:30p.m., and Fridays from 1:30p.m. to 4:30p.m.
- **Exhibits:** Counsel should stipulate to as many exhibits as possible before the trial date. Exhibits should be marked prior to trial (Plaintiff – numbers; Defendant – letters).
- **Voir Dire:** The Court conducts general *voir dire*, and, under most circumstances, attorneys conduct *voir dire* related to the circumstances of the case. Attorneys shall refer to jurors by seat number and/or juror number.
- **Adjournments:** Requests to adjourn trial must be made by motion, except for good cause. Motions to adjourn trial will be granted only for good cause.
- **Jurors (generally):** The Court permits jurors to take notes. The Court does not permit jurors to ask questions. The Court provides the jury with written jury instructions for deliberations.

Civil Trials:

- **Jury Instructions:** A **stipulated** set of jury instructions and verdict form must be filed no later than seven days prior to the trial date. Any disputed jury instructions or verdict form must be clearly marked and included with the stipulated jury instruction packet. The attorneys shall provide an electronic copy of the jury instructions including the verdict form to the Judicial Staff Attorney on the date of trial.
- **Bench Brief:** For a bench trial, the parties shall submit a bench brief that summarizes the relevant items for trial. The bench brief must be filed no later than seven days prior to the trial date.

Criminal Trials:

- **Jury Instructions/ Verdict Form:** The Prosecutor provides a set of final jury instructions and verdict form in electronic form to the Judicial Staff Attorney on or before the day of trial. The Defense must review the jury instructions and notify the Judicial Staff Attorney regarding any objections or request for additional jury instructions.

Courtroom Decorum:

- All parties shall be respectful to the Court, court staff, opposing parties, and others.
- Anyone appearing in court should be dressed appropriately. Those dressed inappropriately risk not having their case heard. In accordance with local rules, men will be asked to remove their hats. Cell phones must be silenced. Any cell phone that rings while Court is in session may be confiscated.