

Honorable James M. Alexander's Practice Guidelines

Courtroom 1B, First Floor- Oakland County Courthouse

Court Clerk:	J.P. Carr	248.858.5284
Court Clerk:	Brett Dery	248.858.5285
Secretary:	Donna LaBelle	248.858.5837
Staff Attorney:	Derek Howard	248.858.5462

In order to better serve the attorneys and parties appearing in Judge Alexander's courtroom, the following guidelines have been adopted. Please advise your clients and staff accordingly.

GENERAL

This court is available for telephone or office conference by prior arrangement with the Judge's staff. Do not wait until an issue becomes an emergency before seeking the court's assistance.

Counsel and parties should treat staff, witnesses, jurors, and opposing counsel and parties with decency and civility. Anything less will not be tolerated.

Counsel/parties should focus their legal analyses on a few well-chosen cases – preferably recent and from controlling courts – rather than using boilerplate recitations of the summary judgment standard or string citations to well-established legal principles.

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, or any electronic devices with an alert notice are to be turned off prior to entering the courtroom and stored out of sight. Cell phones are never to be answered in the courtroom.

ORDERS PRESENTED FOR JUDGE'S SIGNATURE

E-File: All newly filed civil cases are e-file cases. All orders should be submitted using the WIZNET system. Chambers will attempt to address every order within 24 hours of submission. For purposes of judicial economy, please do not call to check the status of an order until that 24 hour timeline has elapsed.

True Copies: For cases which are not part of your e-file system, our clerks will be happy to process four (4) true copies of each order signed, or as many true copies as there are parties, whichever is greater. Parties should present copies for processing with the proper Judge's name and case sticker.

Returning Orders: True copies will be mailed if you if you submit a stamped, self-addressed envelope. Otherwise, we will hold true copies for one week. If not picked up within seven (7) days, the original order will be filed, and the true copies may be discarded.

ADJOURNMENTS

Adjournments: No adjournments will be granted without permission of the court. When necessary, the court will consider one (1) stipulated request *PER CASE* without the necessity of a formal motion. Requests must be based on good cause and “must state (a) which party is requesting the adjournment, (b) the reason for it, and (c) whether other adjournments have been granted in the proceeding and, if so, the number granted.” MCR 2.503. The stipulation must include a new date and time approved by the court. Subsequent requests must be made by formal motion. This motion must be filed no later than three weeks before the next court date. Pursuant to MCR 2.119(E)(3), the court may issue a ruling on the adjournment motion without oral argument. Adjournments will not be granted for schedule conflicts with lower courts or for the ten oldest cases on the Judge’s docket (unless good cause is shown). One 60-day extension of summons will be granted upon a showing of good cause.

Ex Parte Orders: Ex Parte motions will not be granted unless specific reasons are included for their necessity. Ex Parte Orders are rarely granted when each party is represented by counsel.

Discovery: The discovery cutoff date and deadline for exchanging witness lists are set at the settlement conference on all civil cases. In civil cases the first trial date is considered an actual trial date. The court expects that discovery has commenced prior to the settlement conference. Requests for extensions must be made by written motion before the discovery cutoff. Although the court rarely strikes or limits expert testimony, it will do so where a party fails to provide a report, except for rebuttal witnesses. Any witness that is not named will not be allowed to testify at trial.

Bankruptcies: When a petition for bankruptcy is filed, counsel should notify the clerk immediately. Additionally, a notice of filing bankruptcy must be filed – including verification from the Bankruptcy Court that there is an action pending before them.

SETTLEMENT CONFERENCE

The court considers the first trial date a true trial date and NOT a settlement conference. This court holds a settlement conference to determine an appropriate schedule for the case. Discovery should have commenced prior to the settlement conference. Settlement conferences will involve the discussion of the timing of the filing of motions, any outstanding discovery issues and any settlement discussions. At the parties' request, or at the court's own initiative, additional settlement conferences may be scheduled.

Scheduling Order: The court will issue a scheduling order following the conference. The orders will contain deadlines for discovery, witness list exchange, mediation, and other important information. If the parties cannot agree on a mediator, the court will assign one randomly from the court’s approved list.

TRIALS

Schedule & Witnesses: While varying from case to case, court generally starts between 8:30 and 9:00 a.m., and continues until 4:30 or 5:00 p.m. The court recesses for lunch between 12:00 noon and 1:30 p.m. Shorter breaks are held during the course of the day. Counsel should plan the availability of their witnesses accordingly so that trial can move expeditiously.

Trial Briefs: Trial briefs and proposed jury instructions must be filed seven (7) days prior to the scheduled trial date. Failure to file trial briefs in cases that go to trial will result in a minimum sanction of \$250 against the offender. Refer to your scheduling order for specific requirements. Be sure to identify uncontested issues. If a party has a genuine need to file a brief or motion in excess of the page limits, an ex parte motion explaining the need to do so must be filed. A party may not circumvent page limit requirements by changing font size or by briefing distinct issues separately. The court encourages the use of a bench book.

Exhibits: Counsel should stipulate to as many exhibits as possible BEFORE the trial date. Proposed exhibits should not be filed with trial briefs, but rather should be retained for presentation at trial as they are admitted. Exhibits should be marked (**Plaintiff—numbers; Defense—letters**) prior to trial. Counsel should come prepared with extra copies of all proposed exhibits. The court prefers that counsel request permission to approach a witness or the bench.

Final Pretrial: Approximately two weeks prior to trial the court will hold a final pretrial. At that time the court will review the proposed jury instructions, trial briefs, discuss the conduct and timing of the trial, review exhibits and discuss any outstanding motions or motions in limine. Adjourning the date of the Final Pretrial will **NOT** also adjourn the trial.

MOTION PRACTICE

Check-In Procedure: Motions are heard at 8:30 a.m. on Wednesdays. Check in by listed number.

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 clerk by 9:30 a.m., the court may dismiss the motion. In addition, the court will assess a \$100 sanction against the movant pursuant to MCR 2-119(E)(4)(b). Likewise, if the non-moving party has not checked in with the clerk by 9:30 a.m., the clerk shall call the case upon request of the moving party, and, if appropriate, the Court may grant the requested relief.

Judge's Copy of Motions and Briefs: For e-file cases, a paper Judge's Copy does NOT need to be delivered to chambers except on a Motion for Summary Disposition.

Responsive Pleadings: An answer or responsive brief is just as important to the court as it is to you. For e-file cases, Chambers does not require a paper Judge's Copy of the response except on a motion for summary disposition. However, the response should be uploaded on WIZNET no later than 4:30 p.m. on the Friday before the motion.

Adjourned Motions: Requests for adjournments from the non-moving party should be submitted to the moving party. If a motion is adjourned, dismissed, or settled, the judge's chambers MUST be notified by 4:00 p.m. on the Tuesday prior to the motion or costs will be assessed against the moving party per MCR 2.119(E)(4)(b). Filing a re-praeceipe alone does not give chambers sufficient notice. Acceptable notice can be made by telephone or in a faxed writing. Motions may only be adjourned a total of two times – thereafter, the motion must be updated and re-filed.

Summary Disposition Motions: The court will issue a separate briefing scheduling order for motions for summary disposition. Oral argument will be held on Wednesday mornings during motion call. Arguments on the motion should add only to what has been submitted to the court.

Seven (7) Day Order Objections: Objections filed in response to a 7-day order must conform to MCR 2.602.

Late Praecipes: Praecipes must be timely and accurately filed in order to have your motion placed on the court's docket. A filed Notice of Hearing alone is insufficient to place your motion on the court's docket – a praecipe is required. No add-ons will be accepted.

Emergency Motions: A request for an emergency hearing may be submitted anytime. To be considered, a written petition explaining the request must be submitted to the court.

Evidentiary Hearing Requests: If you have an issue that involves a factual dispute, you must file a motion in order to request an evidentiary hearing before the court.

Miscellaneous: The parties are encouraged to present a proposed order for signature on the date and time scheduled for the motion. Sizeable exhibits are to be bundled separately from the motion and brief.

CRIMINAL CALL

Check-in Procedure: Attorneys are expected to check-in with the clerk before the call starts promptly at 1:00 p.m. If an attorney must leave for another courtroom, they **MUST** first check in with the clerk and then sign out on the chalkboard. As it is distracting to all parties, we request that any questions or requests that need to be made to the clerk are made **BEFORE** the docket begins.

Generally: Criminal sentences, pre-trials, and arraignments are held at 1:00 p.m. every Wednesday.

Adjournments: Adjournments may be allowed by motion/stipulation for good cause only.

Arraignment by Mail: The court does not accept waivers of arraignment.