

Location

Third Floor - Courtroom 3C - Oakland County Courthouse

Telephone: 248-858-0337

Fax: Not for Public Use

Procedural Guidelines for Practice in Judge McMillen's Courtroom

To better serve the attorneys and litigants appearing in Judge McMillen's courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings. All civil cases are to be electronically filed.

Background

Judge McMillen is a graduate of the University of Detroit School of Law, and was a practicing lawyer for 17 years before being elected to the 51st District Court in 1994. She was appointed to the Oakland County Circuit Court in 2010. Judge McMillen is the past president of both the Oakland County District Judges Association and the Michigan District Judges Association and the chairperson of the Michigan Association of Drug Court Professionals Annual Training Conference. She serves on various executive and advisory boards including the Oakland County Community Corrections Advisory Board and the Oakland County Substance Abuse Services Advisory Board

Motion Practice

Motions are heard promptly at 8:30 a.m. Wednesday; check-in with clerk. Add-on policy at Court's discretion. The Court does not allow oral argument on all motions. Moving party sets hearing date for motions, except motions for summary disposition. A party requesting a hearing on a motion for summary disposition must contact the Judge's staff attorney for a hearing date prior to filing the motion. The Court will then issue a scheduling order setting the due dates for briefs, responses and replies. For non-dispositive motions, the hearing must be set by the moving party for a Wednesday morning at least 14 days before trial, and must be served and filed at least 7 days in advance of the hearing pursuant to e-filing rules (with a copy delivered to Chambers STET); except that motions to exclude or limit expert testimony must be served in all cases at least 14 days before the hearing. Responses to all non-dispositive motions must be served and filed STET no later than 4:30 p.m. on the Monday prior to the Wednesday hearing, except that responses to motions to exclude or limit expert testimony must be served and filed no later than 4:30 p.m. on the Wednesday one week prior to the Wednesday hearing.

TRO/Injunction

Court uses MCR 3.310 and grants ex-parte relief as per court rules. Court may accelerate briefing schedule.

Scheduling and Discovery

Initial scheduling orders are computer-generated by the Case Management Office. First adjournment extending dates for a total of 45 days, with the trial date adjourned to the first day of the next civil trial term, is permitted by stipulation and order. Additional or lengthier adjournments must be requested by a motion. Good cause must be shown.

Civil Pretrials

Settlement conferences are required in all cases; attorneys and clients must be present. Court may allow parties to participate in settlement conference by telephone if parties are out-of-state; parties must have prior permission of Court and make arrangements. A joint final pre-trial order along with jury instructions and verdict form in jury cases are due at the time of the settlement conference.

Criminal

Criminal: Sentencings and arraignments are held at 1:00 p.m. Thursdays. Will accept Cobbs pleas at arraignment or pretrials, but not after the final pretrial, which must be scheduled at least 7 days before trial.

Civil Trials

Adjournment by motion for good cause only. Court does not routinely grant adjournments. Unless excused by the Court, counsel and parties must appear on the assigned trial date and be prepared to start trial on the assigned trial date and within 14 days thereafter. Exhibits marked by attorneys prior to trial and must be submitted on first day of trial; Plaintiff - numbers; Defendant - letters. Trial briefs allowed, but not mandatory. Joint Final Pretrial Order in jury and bench trials and proposed findings of fact and conclusions of law in bench trials must be filed at or before the final settlement conference in conformity with Case Management Order. Jury Instructions and verdict form due in jury cases along with Joint Final Pretrial Order. If a jury instruction and/or verdict form is contested, parties must submit authorities in support and opposing the instruction and/or verdict form. Proposed jury instructions on plain paper (without citation of authority or identity of proponent) and verdict form must be submitted on CD in Word (not Word Perfect) on first day of trial. Trial schedule; Monday (all day); Tuesday (all day); Wednesday (p.m. only); Thursday (a.m. only); Friday (all day). Wednesdays afternoons may be utilized for taking proofs or conferences with attorneys to resolve legal issues arising during trial. All-day sessions are 8:30 a.m. to 5:00 p.m.; half-day sessions are 8:30 a.m. to 12:00 p.m. or 1:00 – 5:00. Court conducts basic voir dire and allows counsel to follow up and ask more in depth questions. Jury charged after final argument and may take instructions into deliberations along with exhibits. Jurors allowed to take notes. Parties may agree to allow jurors to ask questions of witnesses. Counsel are encouraged to utilize the courtroom projector to display exhibits to the jury. Any materials that are storable on a computer should be displayable via the projector. Contact the Court's staff for details.