

# HONORABLE MICHAEL WARREN

## PROTOCOLS

### **Location**

Fifth Floor – Oakland County Courthouse

Telephone: 248-975-4250

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### **Procedural Protocols for Practice in Judge Warren’s Courtroom**

In order to better serve the attorneys and litigants appearing in Judge Warren’s courtroom, we have adopted the following protocols. 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, and elected to office in 2004 and 2006. 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 appellate work and litigation; corporations, securities, mergers and education; Executive Director and counsel for The New Common School Foundation; and Member of the State Board of Education 1999-2002. He is a board member of several nonprofit education related organizations, and is the co-Creator of Patriot Week (PatriotWeek.com).

### **E-Filing**

Judge Warren is the Court’s sponsor of the Electronic Data Management System (EDMS), and was the Court’s pilot e-filing judge. Nearly all new civil cases are required to be e-filed. If your case is an e-filing case, please become aware of, and comply with, the e-filing requirements.

## **Scheduling Orders**

The Case Management Office issues a standard scheduling order for all cases. All adjournment and extension requests must be made by motion and generally will be scheduled for hearing on motion day (oral argument is often dispensed on such motions). The Court also uses a final pre-trial order that includes additional processes and dates over and above the standard scheduling order. Motions for summary disposition are scheduled pursuant to a separate order, see *infra*.

## **Motions and Motion Day**

Except with leave by the Court or as otherwise described herein, motions are scheduled pursuant to the local court rules and are heard on every Wednesday at 8:30 a.m. As the Court reviews all motions prior to hearing, motions must include judge's copies for non-e-filing cases. Parties may praecipe the motions (other than summary disposition) for any Wednesday of their choice. Motions are heard on a first come, first served basis. You must check-in with the clerk when you arrive on motion day. Absent good cause, the Court declines to hear add-ons. The Judge takes the bench promptly at 8:30 a.m.

## **Motions for Summary Disposition**

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

## **Briefs - Length and Form**

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

## **Default Judgments**

All default judgments must be scheduled for a hearing on motion day.

## **Temporary Restraining Orders and Preliminary Injunctions**

The Court strictly adheres to MCR 3.310 in connection with all motions to impose temporary restraining orders and preliminary injunctions.

## **Appeals**

The Court adheres to the appellate rules set forth in MCR 7.100 et seq.

## **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.

## **Criminal Call and Related Matters**

Arraignments, pre-trial conferences, pleas, sentencing, and violations of probation are heard on Thursday at 1:00 pm. Arraignments by mail are acceptable at the request of the defendant. The Court will consider making sentencing representations pursuant to *People v Cobbs*. All pretrial motions, including motions in limine, must be heard more than 30 days prior to trial, otherwise such motions are deemed waived.

## **Alternative Service**

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

## ***Pro Hac Vice* Admissions of Counsel**

*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, a theory of the case, jury instructions and verdict form in written and electronic form (Word) (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).

## **ADR and Settlement Conferences**

The Court is open to and encourages the use of ADR techniques.

The Court will hold settlement conferences on the request of all parties, and all parties with settlement authority must attend.

## **Trial**

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. The Court conducts trials full days on Monday, Tuesday and Fridays, as well as on Thursday mornings. When available, trials may also continue on Wednesday afternoons.