

**PROCEDURAL GUIDELINES FOR PRACTICE IN
JUDGE MARTHA D. ANDERSON'S COURTROOM**

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 shall treat staff, witnesses, jurors, opposing counsel and parties with decency and civility. Anything less will not be tolerated by the Court.
- All attorneys, parties, jurors, witnesses, or any other person attending court (in-person or via *Zoom* video conference) shall wear proper dress attire in compliance with Local Court Rule 8.115(D), or they may be *removed* from the in-person or *Zoom* courtroom under Local Court Rule 8.115(E).
- All Portable Electronic Devices as defined by MCR 8.115(C)(2)(a), including, but not limited to, all cell phones, tablets and computers, shall be **silenced prior to** entering the courtroom, and shall not be used to make or receive telephone calls or for any other audible function while court is in session. Furthermore, use of all Portable Electronic Devices in the courthouse and/or any courtroom shall comply with MCR 8.115(C) or the device may be confiscated or the responsible individual may be held in contempt of court.

ZOOM COURTROOM POLICY

- Participants should use a wired connection, a strong Wi-Fi connection, or a substantial LTE mobile data plan to ensure a quality connection.
- Participants in a *Zoom* video conference must use a private and quiet room that will be free of any disruptive sounds. Participating in a video conference while outside, in a car or in a public place is not permitted. *Zoom* video conferences require good, consistent lighting so avoid rooms with windows or bright lights in the background.
- Participants shall place their mobile devices on a solid surface with the camera at eye level. Do not hold your device in your hand or lay your phone/tablet flat on a surface. Your device must always be stabilized.
- Once you connect to the courtroom, you will be placed in a virtual waiting room. You will only be admitted into the virtual courtroom if you have identified your account with your full name. For example, parties who appear as "iPhone" or "John's iPad" will not be admitted to the virtual courtroom as the court will be unable to identify you.

EARLY SCHEDULING CONFERENCES – CIVIL

- An Early Scheduling Conference shall be scheduled by the Court immediately following the filing of all first responsive pleadings in any civil matter and shall be held via *Zoom* video conference with Trial counsel in attendance.

- The Court holds an Early Scheduling Conference to determine an appropriate Scheduling Order for each case. The Court will permit one adjournment of the Early Scheduling 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 Early Scheduling 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 Early Scheduling Conference.
- The Court will issue a Scheduling Order following the Early Scheduling 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." Furthermore, any such motion shall provide specific details relative to why the Scheduling Order necessitates an amendment. **Any request to extend discovery shall include what specific discovery has been completed, what specific discovery remains to be completed, and why specifically any remaining discovery has not been completed within the current Scheduling Order.**
- In cases with a Bench Trial, the Court shall schedule a Final Pretrial Conference approximately one month prior to the scheduled Trial date, which shall be conducted electronically via *Zoom* video conference. The Final Pretrial Conference requires the appearance of Trial counsel only (unless otherwise ordered by the Court). In the event of a settlement, the parties shall file their proposed Final Order of Dismissal prior to the date and time of the Final Pretrial Conference or appear for the scheduled Pretrial Conference *with their respective clients* to place the settlement on the record.
- In cases with a Jury Trial, the Court shall schedule an in-person Settlement/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 in-person Settlement/Final Pre-Trial Conference.

MOTION CALL

- The Oakland County Circuit Court conducts Motion Call on Wednesday mornings beginning at 8:30 a.m., which this Court generally conducts electronically via *Zoom* video conference. In its discretion, the Court may waive oral argument under MCR 2.119(E)(3) and issue a written decision. If the Court determines oral argument is necessary, the Court shall provide notice to the parties setting forth the specific date and time of the scheduled hearing (to the extent it deviates from the notice of hearing filed by the movant).
- MCR 2.119 governs all motions filed with the Court, including the filing deadlines and notice requirements under MCR 2.119(C), unless otherwise ordered by the Court. All motions shall be e-filed with the requisite praecipe and notice of hearing scheduling the matter for Motion Call (i.e., 8:30 a.m. on Wednesdays in the Oakland County Circuit Court), pursuant to MCR 2.119 and Local Rule 2.119(B), or the Praecipe shall be dismissed by the Court. **All motions shall also attach a**

Proposed Order setting forth the relief requested, or the Praecept shall be dismissed by the Court.

- The Court strictly enforces MCR 1.109(D)(1), MCR 2.113(A) and MCR 2.119(A)(1) and (2). Failure to comply with said court rules shall result in the Court rejecting and/or otherwise striking any motion, response, reply and/or brief in support found in violation thereof.
- A movant may remove its motion from the Motion Call docket only by: (1) filing a notice of withdrawal; or (2) filing by 12:00 p.m. the Tuesday prior to Motion Call a praecipe and notice of hearing for a subsequent motion call date. **The movant shall also contact the Judge's Chambers immediately to notify the Court that a notice of withdrawal or a re-praecipe/re-notice of hearing has been filed in the court record.** Failure to do so may result in the Court addressing and issuing a written decision on the pending motion.
- **Summary Disposition Motions.** All dispositive motions shall be scheduled, pursuant to MCR 2.116(G)(1)(a), within the time constraints of the Scheduling Order. At the time of filing the dispositive motion (including a Proposed Order setting forth the specific relief requested), the movant shall simultaneously file a Praecipe and Notice of Hearing scheduling same for hearing before the Court.
- **Motions for Temporary Restraining Orders and Preliminary Injunction.** All motions seeking an injunction from the Court shall comply strictly with MCR 3.310. Failure to do so shall result in the Court's denial of the motion.
- **Motions for Protective Orders.** All Motions for Entry of a Protective Order shall comply with MCR 2.302(C). Any proposed Stipulated Protective Order filed with the Court shall comply with MCR 2.302(F).
- **Confidential Documents/Sealing of Records.** Parties may not stipulate to the sealing of any documents or records. If the parties seek to seal ANY documents or records filed with the Court (in whole or in part), a motion is required to be filed in compliance with MCR 8.119(I). Any proposed Stipulated Order containing a provision permitting the sealing of documents (in absence of a separately filed motion with the Court) will be rejected by the Court OR the provision will be stricken by the Court prior to entry of the Stipulated Order (if the proposed Order is otherwise agreeable by the Court).
- **Emergency Motions.** If an emergency motion has been filed with the Court, the movant shall notify the Court by calling the Judge's Chambers or by emailing the Judge's Clerks at andersonchambers@oakgov.com (for civil cases) and the Judge's Judicial Assistant at humenchickk@oakgov.com (for criminal cases). The Court, in its discretion, will determine whether the motion constitutes an "emergency" and dispense with the motion accordingly.
- **Judge's Copies:** A Judge's Copy must be delivered to the Judge's Chambers for the following: (1) Motions for Reconsideration; (2) Post-Trial Findings of Fact & Conclusions of Law; and (3) Appellate Briefs.

CRIMINAL CALL

- **General:** Criminal arraignments, pretrials, sentences, and violations of probation are held in person on Thursdays at 8:30 a.m.
- **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. Once checked-in, attorneys shall not leave the courtroom without the permission of the Court.
- **Adjournments:** Adjournments require the filing of a motion and for good cause only.
- **Arraignment by Mail:** Please email the Judge's Judicial Assistant, Kristin Humenckick, at humenckickk@oakgov.com to request a waiver of arraignment, which shall be at the discretion of the Court.
- **Sentencing Memorandums:** Any Sentencing Memorandum for this Court's consideration shall be e-filed at least 2 days prior to the scheduled Sentencing date, and an email shall be immediately sent to the Judge's Judicial Assistant, Kristin Humenckick, at humenckickk@oakgov.com to notify the Court of said filing.
- The Court will accept a Cobbs plea at arraignment or pretrial, but not on the scheduled trial date. No plea of any kind will be allowed on the day of trial, no exceptions.
- **E-File:** Attorneys shall attach themselves to their criminal case in the Oakland County E-filing System to receive e-filings. Attorneys are responsible for e-filing their own respective documents.

TRIAL

- All parties and their respective counsel are expected to appear on their scheduled Trial date 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, at the Court's discretion. Counsel should plan the availability of their witnesses accordingly so that the trial moves expeditiously.
- The Court conducts the initial voir dire of the jury, permitting the attorneys to conduct a *limited* voir dire thereafter.