

# Pretrial and Trials

## Pretrial and Settlement

1. The Court adheres to the requirements of [E.D. Mich. LR 16.2](#) regarding the joint final pretrial order. The joint final pretrial order is due at the final pretrial conference as set forth in the initial scheduling order. The Court requires the parties to list in the joint final pretrial order the witnesses they expect to call at trial. Any witness that is not named will not be allowed to testify at trial, absent a showing of good cause. The final pretrial conference is usually held two to four weeks before trial. The pretrial conference must be attended by an attorney familiar with the case.
2. A settlement conference, at which the parties and representatives with full authority to settle must be present, is held concurrent with the pretrial conference. The Court routinely becomes involved in settlement negotiations in jury cases and will refer a non-jury matter to a Magistrate Judge or another Judge for settlement conference.

## Trials

1. The Court uses a two-month trailing docket. The Court will allow adjournments of a trial date only upon extenuating circumstances. Upon learning of a conflict in trial dates, the attorney should immediately call the Court Clerk and explain the situation. The Court will generally not require another member of an attorney's firm to handle the trial in the event of a conflict.
2. All exhibits must be listed in the joint final pretrial order and exchanged prior to trial. At the pretrial conference, each party will be assigned the numbers to be used for exhibits. Parties are encouraged to use a bench book of exhibits in non-jury cases. During trial, the Court Reporter retains custody of the exhibits. After trial pending appeal, the parties retain custody of the exhibits.
3. **Non-Jury Trials:** Proposed findings of fact and conclusions of law are to be submitted prior to and at the conclusion of trial.
  - a. Non-Jury Trials: Proposed findings of fact and conclusions of law are to be submitted prior to and at the conclusion of trial.
  - b. Jury Trials: The Court uses the standard method of jury selection. The Court will permit counsel a limited participation in the voir dire at the conclusion of the Court's questions. Specific requests for voir dire questions must be submitted in writing to the Court.
  - c. Miscellaneous: The Court generally conducts trials between the hours of 8:30 a.m. and 1:00 p.m. The Court will, however, conduct trials in the afternoon if the schedule permits. The Court does not require counsel to request permission to approach a witness, but does prefer that counsel request permission to approach the bench. Multiple counsel may not interrogate the same witness; however, counsel who gave the opening statement need not give the closing argument. The Court usually finds it necessary to impose agreed upon limitations on opening and closing arguments.
  - d. Jury Instructions: Joint jury instructions with verdict form are to be submitted one week before trial. Jurors are allowed to take the instructions to the jury room during deliberation. Depending on the circumstances, jurors may be permitted to take notes during a trial. Counsel are to make every effort to agree on jury instructions and to submit to the Court a joint set of agreed upon jury instructions prior to the start of trial.