General Instructions

Chambers staff is happy to answer questions about chambers procedures. **HOWEVER**, please consult the Electronic Filing Policies and Procedures, the Local Rules, the case docket (if applicable) and the information on this website **before** contacting Chambers with a question.

The Judge prefers that papers submitted electronically to chambers be in the current version of Word.

Local Rules are enforced - please pay particular attention to L.R.7.1, and Electronic Filing Rules 5 and 9(d).

Stipulations should be e-filed through the CM/ECF system. However, proposed Orders regarding those Stipulations should be directed to Chambers via the link located under the Utilities section in CM/ECF. Please consult Rule 12 of the ECF Policies and Procedures for additional information regarding Proposed Orders. Stipulations combined with orders are discouraged.

The short statements (pleading format, double spaced) required by the Notice of the Case Management and Scheduling Conference should be e-mailed to Chambers at susan_pinkowski@mied.uscourts.gov. They are not to be e-filed.

The Court encourages the use of modern technology to display exhibits and demonstrative aides during trial. However, prior arrangements must be made with Chambers staff. Requests for interpreters and accommodations for witnesses with disabilities should be made with Chambers at least one week before needed.

If a case is settled, the parties must notify Chambers in writing via email or telefax by the next business day.

If you do not have the current version of Adobe, please download it.

Cases Removed From State Court

All removed cases are reviewed. A standing order for removal is issued in many cases, to which the removing party must respond within seven (7) days. If jurisdiction is questionable, an order to show cause will be issued. Motions to remand must be filed within 30 days of removal.

Conferences

Civil Cases

The Court conducts an initial case management and scheduling conference, which must be attended in person by counsel, preferably lead counsel. A notice generally will be sent within two to four weeks after a responsive pleading is filed. The notice informs the parties to submit to chambers (but not e-file) a short statement describing the case and addressing matters that will be discussed at the conference, or if they can agree, docket a joint Rule 26(f) statement which should include all the items described in the conference notice..

At the initial case management and scheduling conference the parties are expected to be prepared to summarize the case and the issues and to discuss subject matter jurisdiction. Parties also must discuss alternative dispute resolution (ADR) options with their clients. A case management and scheduling order is completed at the initial case management and scheduling conference, with input from the parties.

Subsequent status conferences are also scheduled periodically by the Court. Alternative dispute resolution (ADR) will be addressed, and counsel should discuss ADR options with clients before the status conference. Counsel may request additional status conferences to be conducted in person or by telephone by contacting the case manager.

A final pretrial conference and settlement conference is scheduled approximately two weeks before the trial date. The proposed Joint Final Pretrial Order must be submitted to Chambers, not e-filed, at least one week before the scheduled final pretrial conference date. Please note that the section of the Case Management and Scheduling Order prescribing the contents of the Joint Final Pretrial Order may supercede portions of E.D. Mich L.R.16.2 in some instances. The Case Management and Scheduling Order controls.

Criminal Cases

The Court will issue a scheduling order. Requests to change or enlarge calendar dates must be made by motion. The Court usually addresses those requests on the record. A final pretrial conference is conducted by the Court, as noted in the section on Pretrials.

Contact with Chambers

Judge Lawson accepts no *ex parte communications*. Counsel may contact the Case Manager or the judge's Judicial Assistant with respect to procedural and scheduling matters only. Questions about pending cases should be directed to the Case Manager. Contact by counsel or parties with the law clerks is discouraged.

Criminal Matters

Bail

Arraignments and initial bail and detention determinations generally are conducted by the magistrate judge. Review of those decisions is by written motion, which the Court will address promptly. Counsel must furnish a copy of the motion to review a detention order to the assigned pretrial services officer.

Pleas

There is a strong preference that plea agreements be in writing. Judge Lawson does not object to plea agreements that involve sentencing recommendations under Federal Rule of Criminal Procedure 11(c)(1)(B) or (C). In the Criminal Trial Notice and Scheduling Order, the Court will establish a plea cut-off deadline and final pretrial date approximately two weeks before trial beyond which no plea agreements will be accepted.

Discovery Procedures

Unless there is a well-founded concern for the safety of the witness, the parties are strongly encouraged to provide *Jencks* and *reciprocal Jencks* material no later than the day before the final pretrial conference and plea cut-off date, or sooner if the parties agree.

Presence of the Defendant

The defendant must be present at all court hearings unless prior permission to be absent is obtained from the Court. If a writ is required, it must be submitted four weeks before the court date.

Sentencing Practices

Sentencing recommendations of the probation officer are not divulged. Counsel must raise any objections to presentence investigative reports, guideline computations, and other such matters in writing before sentencing in accordance with Federal Rule of Criminal Procedure 32(b)(6). The procedure for filing objections and a sentencing memorandum is set forth in the Court's Standing Order Prescribing Sentencing Procedures. If a party intends to present witnesses at a sentencing hearing, the party must contact the case manager one week in advance to advise.

Discovery (Civil)

The parties are encouraged to conduct their Rule 26(f) discovery conference before the case management and scheduling conference established by the Court. The disclosure requirements of Rule 26(a)(1) generally will be required by the Court 14 days after the case management and scheduling conference. Dates for disclosure of expert information contemplated by Rule 26(a)(2) generally will be established at the case management and scheduling conference. The parties are encouraged to summarize discovery disputes and email a joint letter to the Court, schedule a telephone conference, and discuss the issue before filing discovery motions. Discovery motions generally are referred to the magistrate judge for disposition. Once a motion has been referred, all communication regarding that motion should be directed to the magistrate judge's chambers.

Internships

When applying for an internship, please submit your cover letter, resume, transcript, and writing sample via U.S. mail or email to chambers at Susan_Pinkowski@mied.uscourts.gov.

Applications should be submitted to chambers at least two months before the anticipated start date.

Motion Practice

Discovery motions may be referred to the magistrate judge. Once a motion has been referred, all communication regarding that motion should be directed to the magistrate judge's chambers.

The Court strictly enforces the requirements of Eastern District of Michigan Local Rule 5.1 and Local Rule 7.1 and the Electronic Filing Policies and Procedures for all motions. Failure to follow these rules likely will result in a denial of the motion and may lead to sanctions.

The Court requires strict compliance with LR 7.1(a), which requires moving parties to seek concurrence before filing a motion. The Court requires that a good-faith effort be made to obtain concurrence, which normally involves actual voice contact with opposing counsel. If no actual conversation occurs, the moving party must show that reasonable efforts were undertaken to conduct a conference and specifically describe those efforts in the motion papers. The outcome of the conference must be stated. All of this must be documented specifically in the motion papers. Failure to comply with LR 7.1 (a) usually results in dismissal of the motion.

Motions must be clear and succinct without extensive factual development. All briefs must comply with Eastern District of Michigan Local Rule 5.1 and Local Rule 7.1, and must contain citation of appropriate authorities within the text of the brief (not in footnotes), and citations must conform to the latest edition of The Bluebook: A Uniform System of Citation published by the Harvard Law Review. In addition, briefs must contain a concise statement of facts supported by references to the record. References to the record must conform to Rule 6 of the Electronic Filing Policies and Procedures. Footnotes are discouraged, but if they are utilized they must be printed in the same font size as the text, which may be no smaller than 10-1/2 characters per inch (non-proportional) or 14 point (proportional).

Answers to motions and supporting briefs must be filed according to the schedule set forth in Local Rule 7.1(d). Note that Rule R5(e) of the Electronic Filing Policies and Procedures prohibits combining an answer to a motion with a counter-motion in the same filing. The Court normally does not issue a briefing schedule for motions. The Court enforces the response and reply due dates as set forth in LR 7.1(d) and Fed. R. Civ. P.6, even when the motion hearing is set far in advance. Attorneys who do not respond to motions in a timely fashion are not permitted to argue before the Court during oral argument, if oral argument is scheduled.

Counsel are discouraged from employing elaborate boilerplate recitations of the applicable motion standards and lengthy string citations in support of well-established legal principles. Instead, counsel should focus their analysis on a few well-chosen cases, preferably recent, published, and from controlling courts. When citing unpublished sources, Westlaw references are preferred.

Facts stated in the statement of facts must be supported with citations of either the pleadings, interrogatories, admissions, depositions, affidavits, or documentary exhibits. Exhibits not previously filed should be included with an appendix. The appendix must contain an index. As to cited deposition testimony, counsel are also encouraged to supply the Court with a transcript of cited page(s) together with sufficient accompanying pages to provide context. All citations must have page references. Other documents referred to in the briefs should be included in the appendix. Counsel may highlight their submissions.

When filing a paper in a criminal case through CM/ECF, select **ONLY** your individual client. Do **NOT** select all defendants.

Courtesy copies of motions and briefs for motions listed in LR 7.1 (e)(2)(A) must be provided to

Chambers. Parties may submit courtesy copies of other motions, exhibits, responses and replies to Chambers. All papers must be firmly bound along the left margin (by binding or in a 3-ring binder) and any exhibits must be properly tabbed.

If a hearing is scheduled, the Court's Case Manager will docket a notice of the hearing date.

The Court endeavors to decide pending motions promptly, ordinarily within six weeks after a hearing, or within three weeks after the time for a response has passed without a response being filed. Complex motions or those raising novel issues may require additional time to conclude. If a motion has been pending in chambers without resolution for an apparently inordinate time, counsel are asked to notify the Court's Case Manager by telephone or in writing (jointly if possible) as to the status of the motion. Such notification is a service that is appreciated by the Court and is not viewed by the Court as inappropriate or impertinent.

If a party intends to call witnesses at a motion hearing, the party must notify Chambers at least two weeks in advance of the hearing date and inform the Case Manager of the anticipated length of time needed for the testimony.

Local Rule 5.3 sets forth in detail the procedure that must be followed before any item may be filed on the docket under seal.

Before docketing any paper under seal, whether it is a motion, an exhibit, or any other item, you must file a motion requesting the Court's permission to file the item under seal. Also, as with any motion, before filing a motion to seal you must seek concurrence from counsel for all other parties, unless the applicable rules of court allow you to seek relief *ex parte*. Local Rules 5.3 and 7.1 apply in the usual manner to all motions seeking leave for filing items under seal.

If you are seeking to file papers such as certain exhibits with medical or other personal information under seal, but the motion for leave to file under seal does not itself disclose any information that needs to be maintained under seal, then you may e-file the motion for leave (NOT under seal), with the items that you want to have sealed as separately docketed exhibits (under seal), according to the procedure outlined in Local Rule 5.3. Again, keep in mind that you also must comply in the usual way with all other applicable rules of court, such as Local Rule 7.1.

If the motion to seal itself contains information that you believe should be sealed, or if you need to file information under seal that by its nature should not be revealed to opposing counsel (e.g., motions to authorize fees or services in a criminal matter), then you should **email** the case manager (*not docket*) the motion or other papers that you want filed under seal, and a motion for leave to file all of the items under seal, each as separate files in Microsoft Word format, using the Utilities function of CM-ECF, which goes directly to the case manager. In this case you SHOULD NOT e-file any of the items in any form, either sealed or unsealed, before sending them via Utilities. The items will be docketed appropriately by the case manager.

In either case, when a motion to seal is docketed or received via Utilities, then the Court will consider whether it should be granted and issue an appropriate order. If you believe that the order granting the motion also should be sealed, then your motion to seal should so state.

Note that in the usual case the Court will not grant requests to seal an entire motion and brief or all associated exhibits where only limited portions of certain exhibits contain sensitive information. The Court also will not grant “sealed motions to seal” where the motion for leave to file under seal does not itself disclose sensitive information or information that should not be divulged to other parties or their counsel. Orders granting motions to seal also typically will not be filed under seal unless docketing the order on the public docket would defeat the purpose of the confidential filing.

Pretrial

Civil Cases

Final pretrial conferences are generally conducted on the date and time set out in the Case Management and Scheduling Order. The form of a Joint Final Pretrial Order is explicitly set forth in the Court's Case Management and Scheduling Order. Please review the Case Management and Scheduling Order before attempting to draft the proposed Joint Final Pretrial Order. Status conferences are scheduled at various times during the pretrial period, and the Court encourages counsel to discuss with each other and their clients all forms of ADR options. The Court especially encourages the use of facilitative mediation. You may contact chambers for a list of suggested facilitators.

Motions in limine are generally to be filed no later than five weeks before the final pretrial conference so that responses can be filed in accordance with E.D. Mich. LR 7.1 and the motions will be ready for decision at the time of the final pretrial conference. Filing deadlines generally are stated in the Case Management and Scheduling Order. Alternately, decisions on motions *in limine* may be deferred until trial.

Deadlines for filing proposed *voir dire* questions and jury instructions are set forth in the Case Management and Scheduling Order. Deadlines for submission of proposed Findings of Fact and Conclusions of Law in bench trials are set forth in the Case Management and Scheduling Order, but generally must be submitted at least one week before trial.

Criminal Cases

The final pretrial conference is conducted on the record. Counsel of record must attend; stand-ins are not allowed except in extraordinary circumstances, and then only with prior permission of the Court, and with the consent of the client. Deadlines are established at that point for filing jury instructions and proposed *voir dire* questions. Discussion on the manner of jury selection is held on the record. Defendants must be present for the final pretrial conference. The Court establishes a plea cut-off date, set forth in the Criminal Trial Notice and Scheduling Order, which is enforced. The parties may comply with the plea cut-off date by signing and submitting a Rule 11 agreement on or before the deadline; it is not necessary that a guilty plea be made on the record before the plea cut-off date.

Special Cases

Social Security appeals and *pro se* prisoner Civil Rights cases are generally referred to the magistrate judge for case management.

General Rule

In all cases, requests for special arrangements such as audio-visual equipment, demonstrative aids, interpreters, and accommodations for witnesses with disabilities, should be made at or before the final pretrial conference. Exhibits must be pre-marked and an exhibit list must be furnished to the Court on a form which is established by the Court. Request for authorization to bring electronic equipment (computers, etc.) into the courtroom should be made at or before the final pretrial conference.

Proposed Stipulations and/or Orders

Stipulations should be docketed and a proposed order sent through the Utilities function of CM-ECF.

If either party is *pro se*, and that party is not an efiler, then the *pro se*'s original wet signature must be on the stipulation.

Protective Orders

The Court encourages parties to propose agreed protective orders. Such orders may be requested by docketing a stipulation outlining the proposed terms and submitting a proposed order through the utilities function of CM/ECF. The Court then will review the terms proposed and enter an appropriate order. If either party is pro se, and that party is not an efiler, then the pro se's original wet signature must be on the stipulation. However, stipulations for protective orders may not contain language that authorizes in advance the filing of documents under seal. Filings under seal are governed by Local Rule 5.3, and the Court requires those procedures to be followed. Therefore, proposed stipulations for protective orders MUST contain the following language:

A. **Filing Under Seal**

This order does not authorize the filing of any documents under seal. Documents may be sealed only if authorized by statute, rule, or order of the Court. A party seeking to have filed under seal any paper or other matter in this case must file and serve a motion that sets forth: (a) the authority for sealing; (b) an identification and description of each item proposed for sealing; (c) the reason that sealing each item is necessary; (d) the reason that a means other than sealing is not available or unsatisfactory to preserve the interest advanced by the movant in support of the seal; and (e) a memorandum of legal authority supporting the seal. *See* E.D. Mich. LR 5.3; *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016). With the exception of limited purpose filings allowed by Eastern District of Michigan Local Rule 5.3(b)(3)(A)(vi), no party shall file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion required by this section. Whenever a motion to seal is filed, the movant shall submit a brief that states the particular reason the seal is required. If a motion to seal is granted, then the documents to be sealed may be separately electronically filed under seal.

B. **Notice to Designating Party**

Any party, other than the Designating Party, that anticipates filing any material that has been designated as Confidential Information must provide reasonable notice to the Designating Party of the proposed filing, so that the Designating Party will have ample time, if it so desires, to file a motion for leave to file the material in question under seal. The parties then shall meet and confer in connection with any anticipated motion for an order authorizing the filing of Confidential Information under seal, in a good faith attempt to reach an agreement regarding whether the Confidential Information should be filed under seal. *See* E.D. Mich. LR 7.1(a). If an agreement is reached, then the parties may file a joint motion for leave to file under seal, in conformance with paragraph A and Eastern District of Michigan Local Rule 5.3. If an agreement is not reached, then the Designating Party may file a motion in compliance with paragraph A and Local Rule 5.3. If the motion is denied, then the party separately may file the material, but not under seal.

Standard Orders, Notices, and Trial Documents

In order to view and print the order(s), Adobe Acrobat Reader is required. To download Adobe Acrobat click here.

CIVIL

- Sample Notice to Appear for Case Management Status and Scheduling Conference
- Sample Notice of Status and Scheduling Conference (for ERISA benefits case)
- Sample Case Management and Scheduling Order
- Sample Patent Case Management and Scheduling Order
- Standing Order Requiring Submission of Information Regarding Removal Cases

CRIMINAL

- Sample Criminal Trial Notice and Scheduling Order
- Sample Standing Order Prescribing Sentencing Procedures

Transcript Orders

If you would like daily copy or real-time services at trial, you must seek permission from the Court before or during your Final Pretrial Conference. Once permission is obtained, you should contact Judge Lawson's court reporter immediately at rene_twedt@mied.uscourts.gov or 313-234-2660, to make payment arrangements.

To order transcripts, review delivery options and rates, access forms, etc., click here

Trials

Trials are conducted on Monday through Friday. Jury trials generally will begin on Tuesday. Counsel are expected to be present in court in advance of the start time on trial days. Subject to the Court's availability, after the first trial day trials normally commence at 8:00 a.m. and continue through approximately 2:00 p.m., with two 15- minute breaks. Occasionally, trial days may also consist of 8:30 a.m. to 12:30 p.m. and 1:45 p.m. to 5:00 p.m. sessions. The Court establishes the schedule for trials at the commencement of each trial week.

Side bar conferences may be conducted during trial, but counsel are encouraged to keep them to a minimum. An exhibit book should be delivered to the Court one day before the commencement of trial. Normal and typical customs relating to courtroom decorum apply. For example, counsel should stand when addressing the Court; witness interrogation should be conducted from the lectern; counsel should seek permission from the Court to approach a witness or the bench; witnesses and parties should be addressed by their surname and an appropriate honorific. Chewing gum is prohibited.

Jury Trials

a. **Civil Cases**

The parties are required to exchange proposed jury instructions before the final pretrial conference, and the attorneys must submit a stipulated set of instructions and proposed *voir dire* questions at least one week before the commencement of the trial. Boilerplate instructions should not be included. Counsel may contact the case manager for the Court's standard instructions and *voir dire* questions. The Court gives the jury preliminary instructions before final argument, and after final argument charges the jury with respect to the manner of their deliberations. If the parties are unable to stipulate to all proposed instructions, disagreements will be discussed and resolved by the Court at the charge conference. The joint instructions must be submitted together with a computer disk or flash drive compatible with the current version of Word. **All computer media submitted to Court must be certified as virus free**.

Civil Jury Instructions Boiler Plate

b. **Criminal Cases**

Proposed instructions and *voir dire* questions are to be submitted to Chambers (and not e-filed) in accordance with the deadline set at the final pretrial conference. Standard and boiler-plate instructions and *voir dire* should not be included. Counsel may contact the case manager for the Court's standard instructions and *voir dire* questions. Proposed jury instructions must be submitted together with a computer disk or flash drive compatible with the current version of Word. The Court encourages the parties to stipulate that alternate jurors will be identified at the conclusion of the trial at random (by lot). If such a stipulation is reached and made on the record, peremptory challenges normally limited to alternates may be exercised with respect to the entire jury panel. The Court gives the jury preliminary instructions before final argument, and after final argument charges the jury with respect to the manner of their deliberations.

Criminal Jury Instructions Boiler Plate

c. **All Cases**

Documents and photographic exhibits must be published electronically. The parties must prepare two sets of exhibits in hard copy --- one for the Court and one for the jury to reference during deliberations. Attorneys are encouraged to engage a technologically-literate assistant to display the exhibits during trial. All counsel (and their assistants) must contact the Case Manager to arrange for a joint technology tutorial with the Court's IT representative at lest one week before trial.

In all cases, written copies of the jury instructions are given to the jurors before the jury charge. The Court conducts the initial *voir dire* , based upon the Court's standard *voir dire* questions (available in advance from the case manager) supplemented by proposed *voir dire* questions submitted by the parties. In most cases, the Court will permit parties to conduct *voir dire* personally by addressing follow-up questions to the jurors that are designed to be probative, and not didactic. Challenges for cause are made on the record in open court, but attorneys may request a side bar conference to interpose a cause challenge. Peremptory challenges are allowed in accordance with Federal Rule of Criminal Procedure 24 and Federal Rule of Civil Procedure 47 (and 28 U.S.C. § 1870), and are exercised by alternating between the parties.

Trial briefs are optional in jury trials. If submitted, they must be exchanged no later than one week before the commencement of the trial. Trial briefs must include a synopsis of the facts, discussion of the controlling law, and discussion of any evidentiary issues likely to arise at trial.

The Court will discuss time limits on opening statements with counsel before trial begins. Keep opening statements brief, for the benefit of the jury. Any exhibits that will be used in opening statements must be shown in advance to opposing counsel.

The Court provides all jurors with a written copy of the final jury instructions so that they may follow along while he reads them and for the jurors' use during deliberations.

The Court requires that all evidentiary stipulations be in writing signed by counsel, and by the defendant in criminal cases, and expects the parties to stipulate to as many undisputed facts as possible. Testimony presented through deposition (video or by transcript) must be purged of objections well in advance of trial. The Court will establish time limitations for closing arguments. The Court limits closing statements to a reasonable amount of time upon which the parties have agreed in advance and that the Judge has approved.

Jurors are permitted to take notes. Jurors are not permitted to ask questions of witnesses.

Non-Jury Trials

Proposed findings of fact and conclusions of law are required to be submitted at least one week before trial. Each fact should be listed in a separate paragraph supported by a citation to an exhibit or a witness's testimony. The parties are required to provide the Court with a copy of proposed findings of fact and conclusions of law on a computer disk or flash drive compatible with the current version of Word.

TROs and Injunctions

All of the provisions of Fed. R. Civ. P. 65 are enforced. The Court rarely grants a temporary restraining order without notice to the opposite party absent a true emergency, such as where the facts alleged establish that giving notice will precipitate the harm that the TRO seeks to prevent. Parties are encouraged to notify the case manager by telephone upon filing a motion for an injunction so that appropriate scheduling issues can be discussed.