Civil Trials (part 1/2)

TRIAL DATE

The Court sets a date certain for trial that contemplates the parties' conclusion of Alternative Dispute Resolution efforts or resolution of all dispositive motions, whichever is later, after consultation with counsel. Attorneys must bring their schedules to the conference to avoid conflicts.

ADJOURNMENTS

Because the Court consults with the attorneys before setting a final trial date, adjournments are rarely granted.

STATUS CONFERENCES

Judge Grey is available for status conferences, either telephonically or in person, by arrangement with the Case Manager. Do not wait until an issue becomes an emergency before seeking the Court's assistance.

TRANSCRIPT ORDERS

If you would like daily copy or real-time services from a court reporter at trial, you must seek permission from the Court before or during your Final Pretrial Conference.

EXHIBITS

Marking of Exhibits: Counsel is required to mark all proposed exhibits in advance of trial. Plaintiff's exhibits shall use numbers and Defendant's exhibits shall use letters. A consecutive numbering and lettering system should be used by each party.

List of Exhibits: A list of proposed exhibits shall be submitted directly to Chambers by each party by the deadline established at the final pretrial conference. However, no later than one week before the final pretrial conference, each party shall make available for inspection all exhibits which that party will introduce at trial. This provision shall not extend the time for disclosure and inspection of material previously ordered herein.

Foundation for Exhibits: When a party has inspected an exhibit that the opposing party intends to introduce in evidence, the authentication of that will be deemed established unless the objecting party files a notice with the Court at or before the final pretrial conference that the foundation of the exhibit will be contested. See E.D. Mich. L.R. 16.2(b)(9).

Objections to Exhibits: These guidelines shall not affect the right of a party to object at the time of trial to the introduction of an exhibit other than on the basis of authentication and foundation.

Custody and Record of Admitted Exhibits: Counsel is required to maintain a record of all admitted exhibits during trial. Counsel for each party must keep custody of that party's admitted exhibits during trial. A party who objects to this provision must file a written objection prior to jury selection.

Publication of Exhibits During Trial: The Court encourages parties to use electronic projection to publish exhibits during trial in a manner that allows the jury, the Court, attorneys, and parties to view the exhibit simultaneously. Parties are responsible for providing equipment for such purpose. If photographs and documentary exhibits are not published electronically, then the party must prepare exhibit books for the Court and each juror. Whether or not exhibits are published electronically, a separate exhibit book should be prepared and made available to a witness who is to be questioned

about an exhibit.

Preparing Exhibits for Jury Deliberation: Counsel must confer and purge from one set of binders or files all exhibits not admitted during the course of trial. Originals of all exhibits admitted at trial should be ready to be turned over to the jury foreperson prior to closing jury instructions so that jury deliberations are not delayed.

Filing Exhibits: It is the responsibility of the parties to ensure that the record is complete.

Post-Trial: After trial pending appeal, the parties retain custody of their respective exhibits.

Full Disclosure: Computer generated visual or animated evidence, together with underlying data, must be disclosed to opposing counsel at least one week before the start of trial.