Pretrial and Trials

The Court does not have requirements other than those set forth by E.D. Mich. LR 16.2 for joint final pretrial orders. The joint final pretrial order is due five days prior to the pretrial conference. The Court generally will not allow additions to the witness list contained in the pretrial order. The Court uses a date certain docket and a short trailing docket of one to two days. The final pretrial conference is typically held one week ahead of the trial date. Adjournments of trial dates are not often granted. If an attorney does have a conflict with another trial, that attorney should give the Court as much notice as possible and the Court will attempt to cooperate if at all possible.

The Court routinely becomes involved in the settlement of jury cases. The Court may refer a non-jury matter to another Judge for a settlement conference. Prior to the final pretrial conference, the Court is amenable to scheduling a settlement conference.

The Court requires that exhibits be exchanged at least one week before trial. The Court prefers consecutive numbering of all exhibits and encourages the use of a bench book. The parties retain custody of the exhibits during trial and after trial pending appeal. The Court requires that trial briefs be exchanged prior to trial. Motions in limine must be filed no later than one week prior to trial. Motions in limine are generally scheduled for hearing on the morning of trial.

In non-jury trials, the Court prefers proposed findings of fact and conclusions of law to be filed prior to the conclusion of trial. In non-jury trials, the Court generally makes the findings of fact orally.

The Court uses the striking method to select juries. In criminal cases, two alternate jurors are normally used and they are not informed prior to the conclusion of the trial that they are alternates. The Court conducts the preliminary voir dire and allows counsel to conduct reasonable voir dire. The Court handles the exercise of challenges in such a manner that the jurors do not know which party has excused them. The Court presents jury instructions to the jury by reading them and presenting a copy to the jury for their deliberations. Joint jury instructions must be filed at the beginning of trial.

Court hours may vary, depending on the docket and the attorneys' schedules. Multiple counsel for one party may not interrogate the same witness. There may be time limitations imposed on opening and closing arguments, depending on the case. No other time limitations are generally imposed during trial. The Court prefers that counsel request permission to approach a witness and the bench. The Court prefers that counsel stand to speak and address the Court. Counsel is not required to stand at the podium, and may approach the jury box. The jury is charged before final arguments. Jurors are typically not allowed to take notes during trial unless both sides agree. The Court does not have any other special preferences regarding the conduct of trial not set forth above.