Trials

1. **Types of Trials**

   The court handles civil trials, jury or non-jury, with the consent of the parties and an order of reference from the district judge. See, 28 U.S.C. § 636(c). These are set for a date certain. Appeals are to the Court of Appeals.

   The court handles misdemeanor trials, pleas, and sentencing with the consent of the parties and an order of reference from the district judge. See F.R.Cr.P. Rule 58. Appeals are to the district judge.

2. **Jury Selection**

   The court often selects juries in cases where the trial may be held before another judge. Counsel and the parties must consent in writing. A form will be provided at the time of the jury selection. Counsel will exchange voir dire questions in advance. The court will meet briefly with trial counsel in chambers several days prior to jury selection to answer any questions and resolve any disputes as to the potential voir dire questions. No additional peremptory challenges are granted unless requested in advance via motion.

   In civil cases, the strike method is used. Under this method, the number of individuals who will be the jury (e.g. 8) plus the total number of peremptory challenges (e.g. 3 + 3) are seated. Voir dire is conducted on this group and when the group has been passed for cause, peremptory challenges are exercised at the bench without additional questioning.

   In criminal cases, 12 persons plus alternates are seated in the jury box. Challenges are made separately as to the jury and the alternate jurors in conformance with Fed.R.Crim.P. 24. However, counsel may agree to exercise challenges on the group as a whole instead.

   In both civil and criminal cases, the court asks preliminary questions regarding background information and scheduling issues and then conducts voir dire. Counsel may approach the bench at the conclusion of the court's voir dire to suggest follow up questions.

Conferences

1. **Scheduling/Status**

   When a case has been referred for all pretrial proceedings or for all discovery, the court may hold status, scheduling, or discovery conferences as required. If counsel believes that any such conference would be productive, counsel may request one by calling the case manager. This conference may be in person or by telephone.

2. **Settlement**

   Facilitation is a valuable part of the litigation process and the court encourages the parties and counsel to consider voluntary settlement conferences when and where appropriate. The court is willing to serve as a facilitator upon the parties' request and/or an order of reference. Facilitated settlement conferences are usually set to begin at 10:00 a.m., and the court will be prepared to devote the entire day for the conference. Counsel's and their clients' schedules should be cleared for the entire day. Trial counsel and all persons with ultimate and final settlement authority must be present. After a settlement conference has been scheduled, the court sends a Notice with additional information.

Civil Motion Practice

1. **Authority**

   Pursuant to 28 U.S.C. § 636 (b)(1)(A) and (B) and an order of reference from the district judge, motions will be decided either by Report & Recommendation or Order. Dispositive motions may be referred by the district judge for Opinion and Order on consent of the parties. 28 U.S.C. § 636(c).

2. **Scheduling**

   In instances where the court has issued a briefing schedule on a motion, that schedule applies. In all other instances, the parties should follow Local Civil Rule 7.1(e).

3. **Briefs**

   If a motion, response or reply includes exhibits totaling more than 20 pages, then in addition to the electronically filed copy, a courtesy copy of the motion and exhibits shall be provided to the court's chambers. Relevant portions of lengthy documents should be highlighted. The courtesy copy should be a filed copy containing the electronic date stamp on the top.

   If not hand-delivered on the day of the filing, the chambers copy must be sent via first class mail the same day the document is e-filed. Where a filing relates to a court proceeding scheduled within the next five days or otherwise requires the immediate attention of the court, the chambers copy must be hand-delivered to chambers not later than the morning of the next business day after the document is e-filed.

4. **Hearing/Oral Argument**

   The court generally hears oral argument on civil motions. Motion hearings are usually set for Tuesdays and Thursdays, at 10:00 a.m. or 1:30 p.m., and the court will send a notice of hearing with a specific date and time. Motions requiring protracted arguments may be set separately if requested by counsel in advance. Motions requiring an evidentiary hearing will also be heard separately. The court may cancel a scheduled hearing if it appears, after review of the briefs, that the issues can be decided without a hearing pursuant to LR 7.1(f).

   Out of town counsel may request to appear by phone and such requests are generally approved.

5. **Orders**

   While the court will generally issue its own orders, counsel may bring an appropriate order granting or denying the motion to the hearing. Proposed orders should not be e-filed.

Social Security

Social security cases generally seek a judicial review of the administrative agency's final decision denying benefits. Oral arguments are generally not held. The court expects that proof of service will be filed within four weeks after the complaint is filed. If service of the complaint is not shown on the docket, the court will send an Order to Show Cause to Plaintiff. After the filing of the government's answer with the transcript of the agency hearing, the court will schedule dates for filing cross motions for summary judgment. The dates are designed to provide sufficient time for counsel to file the motion. Requests for adjournments must show good cause in order to be considered. The matter is ready for decision as of the date the motions are due or filed, whichever comes first.

Pro Se and Habeas Corpus

These matters are generally decided without oral argument. Notices, Orders, and Reports & Recommendations are mailed to those parties who are not e-filers. The court does not have funds to appoint counsel for unrepresented persons, but will consider appointment of pro bono counsel in appropriate cases. Pro se litigants are expected to adhere to the Federal Rules of Civil Procedure insofar as possible. The court does not give legal advice to litigants and expects that pleadings will be in appropriate form. Letters to the court are not pleadings and will be returned. A Standing Order for the conduct of prisoner civil rights cases will be mailed by chambers after the case is referred for all pretrial proceedings.

Discovery

The Federal Rules of Civil Procedure are designed to make the discovery process party-driven. The court expects the parties and counsel to conduct discovery cooperatively and fairly. If it becomes necessary to file a motion related to discovery matters, counsel shall meet and confer in accordance with E.D. Mich. LR 37.1 in an attempt to resolve, or at least narrow, the disputed issues. The court encourages counsel to engage in a good-faith attempt to resolve all discovery matters before a motion is heard, and to submit a Stipulation and Order Resolving Motion.

If counsel are unable to resolve their differences, the movant shall prepare a Joint List of Unresolved Issues setting forth the issues that remain unresolved. The Joint List shall not exceed five (5) pages, and should be structured as follows:

Unresolved Issue No. 1: [Recite Issue]

- Movant's position:
- Respondent's position (including any proposal made to resolve movant’s request):

No exhibits or attachments shall be filed with the Joint List. The list should be e-filed at least two (2) business days prior to the hearing.

When the district judge has expressly referred all discovery disputes to the magistrate judge, the court is available to conduct an informal discovery conference to resolve pressing discovery disputes.

In a particular case, where there are multiple discovery disputes or where many motions are filed, the court may set the matter for a general discovery conference or direct the parties to conduct a Rule 26(f) conference.

Criminal Duty Procedures

Magistrate Judges in this district are assigned criminal matters on a rotating weekly basis. The court is generally not available for civil hearings during its criminal duty week. Criminal call begins at 1:00 p.m. daily in the duty courtroom (Room 114) on the first floor of the Theodore Levin U.S. Courthouse in Detroit. Agents with requests for warrants, complaints, and other matters should report to the duty courtroom and then to chambers for review of the papers. During the week of criminal duty, questions regarding duty matters should be directed to the duty telephone at (313) 234-5558.