Trials

1. **Types of Trials**

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

   The court conducts misdemeanor trials, pleas, and sentencing with the consent of the parties and upon 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 to jury selection by the magistrate judge 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 with trial counsel several days prior to jury selection to answer any questions and resolve any disputes as to the potential voir dire questions.

   In civil cases, the strike method is used. Under this method, the number of individuals who will comprise 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. No additional peremptory challenges are granted unless requested in advance via motion.

   In criminal cases, 12 people 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.

Scheduling/Status Conferences

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.

Settlement Conferences

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. 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 will send a Notice to the parties with additional information to be furnished in advance of the conference.

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 the 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.

Pro Se And Habeas Cases

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 and papers will be in an appropriate form.

Discovery

The Court expects parties and counsel will conduct discovery cooperatively and fairly. Discovery requests must be made sufficiently in advance of the discovery completion date to permit timely response within the discovery period.

If a district judge has expressly referred all discovery disputes, the court is available to conduct an informal discovery conference to identify and potentially resolve any discovery disputes prior to any motion being filed. The court may schedule such a conference on its own initiative.

On all motions for discovery that have been referred to the court, counsel are required to 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 requires 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 where the parties have been able to work out their differences in advance of a hearing.

If unresolved issues remain, the movant will prepare a Joint List of Unresolved Issues setting forth the issues that remain unresolved. The Joint List must 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 **five (5)** business days prior to the hearing.

Where there are multiple discovery disputes or where many motions are filed, the court may set the matter for a general discovery conference.

Criminal Duty Procedures

Magistrate Judges in this district are assigned criminal matters on a rotating weekly basis. 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.