

THE HONORABLE JULIE A. NICHOLSON
OF THE 52/3 DISTRICT COURT
BEST PRACTICES

COURTROOM PROTOCOL & OTHER INFORMATION

Location and Staff

52/3 District Court
700 Barclay Circle
Rochester Hills, Michigan 48307
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Law Clerk: Cherish Lott
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Judge Nicholson accepts no ex parte communication in any form. Attorneys of record and in pro per litigants may contact Chambers' staff for scheduling matters only. Pleadings, motions, and other case-sensitive correspondence must be filed in accordance with the Michigan Court Rules and will not be accepted by Chambers staff via e-mail or fax.

The Court requires that all persons be in court and ready to begin at the opening of the session and must otherwise be punctual for all court business. MCR 8.116(B). Only the Court can grant permission to appear late. Failure to appear timely or otherwise comply with the Court's orders may result in a show cause or bench warrant. The Court will not arrange for stand-in coverage for an attorney who fails to appear timely.

The Court expects traditional courtroom civility for all remote and in person proceedings. Anyone appearing in the courtroom, in-person or virtually, must be dressed appropriately. Those dressed inappropriately risk being removed from the courtroom and not having their case heard. MCR 8.115

Remote Proceedings- In General

The Court will determine in its discretion whether a case will be heard in person or remotely. MCR 2.407 and 6.006

Devices must be identified with a legal name; NOT a device name. Failure to name one's device for a Zoom proceeding may result in the case not being heard.

Participants must join the Zoom videoconference from a quiet, private, indoor location. The Court will not hear a case if a participant joins from a vehicle, public place, outdoors, or other inappropriate setting. The Court reserves the right to terminate the videoconference if a party fails to timely connect or connect pursuant to the provided instructions.

Cell Phone Use Policy

When in the Courtroom, cell phones and other portable electronic devices must be turned off. Court visitors may use their cell phone only while in the public lobby or hallways, provided the communication is not disruptive. Use of any photographic function or audio recording function of a

device is strictly prohibited. See 52nd *Judicial District Court Policy Regarding the Use of Portable Electronic Devices* and MCR 8.115

ADJOURNMENTS

Adjournments will only be considered via Stipulation and Order for Adjournment or by Motion at least seven (7) days before the scheduled Court date, and must include the following:

- Which party is requesting the adjournment;
- Reason for the request, (with documented proof); and
- Whether any previous adjournments had been granted and if so, how many.

MCR 2.503(B)(2)

The stipulation and order as well as documentation of the conflicting court case/other scheduling conflict must be filed with the Court officer. The Court will not grant any adjournments over the phone. MCR 2.503(B)(1)

ORDERS FOR JUDGE'S SIGNATURE

Proposed orders are to be filed with the court clerks on the first floor in person or by US Mail unless otherwise directed by the Court.

CIVIL CASE SCHEDULING

The Court will hold a pretrial conference for all General Civil cases, at which time it will set dates for discovery cutoff, dispositive motions, case evaluation, and trial. MCR 2.401(B)

Refer to Adjournments section and court rules for any scheduling conflicts. Do not contact Chambers unless directed to do so.

CIVIL MOTION PRACTICE

All pleadings must be filed in person with the Clerk's office or by US Mail.

A Motion or Response to a Motion that presents an issue of law must be accompanied by a brief citing the legal authority on which it is based. MCR 2.119(A)(2)

A "Judge's Copy" must be included and be clearly marked. MCR 2.119(A)(2)(d)

Motions should be filed with a notice of hearing for "a date and time to be determined by the Court." MCR 2.119(E)(1)

A responsive pleading must be served within 3 days of the motion hearing date or it will not be considered. MCR 2.119(C)(2) and MCR 2.108(A)(1). MCR 2.119(C)(2) also sets the timeline for service of motions based on the hearing date. However, the Court may reserves the right to decide a Motion without oral argument. MCR 2.119(E)(3)

CRIMINAL MOTION PRACTICE

All civil motion practice rules are applicable in criminal cases except as provided by MCR 6.001(D).

Any and all requests to terminate probation early must be made by Motion to the Court in conformance with the court rules.

A party seeking an emergency hearing or order from the Court must include the basis for the emergency as well as confirmation in writing in the body of the motion. MCR 2.119(E)(1)

TRAVEL REQUESTS WHILE ON BOND

Any defendant seeking to travel while on bond must complete the Travel Request form available on the 52-3 District Court website and submit all information listed on the form in a timely manner.

Providing documentation of a travel request or travel plans does not assure that the Court will automatically grant the request. *A party shall not assume that the Order has been granted/denied without receipt of a signed Order.*

CRIMINAL PRETRIALS

All parties are required to appear prepared, whether offering a plea or setting the matter for trial and shall comply with all local policies and court rules.

Parties must submit both a signed Advice of Rights form and plea form to the Judge's law clerk prior to the case being called.

TRIALS (Civil and Criminal)

See Jury and Bench Trial Orders.

Requests to Adjourn must be made by written Motion no less than seven (7) days prior to trial and will be granted only for good cause.

All attorneys and parties are expected to be "trial ready" on the jury selection date. The Court will not hear any Motions on the date of Jury Selection.

Parties will be allowed to conduct limited voir dire, and the Court reserves the right to examine potential jurors if necessary. MCR 2.511(C)

For direction on Exhibits/copies, see the Court's Jury or Bench Trial Order.

For direction on Jury Instructions, see the Court's Jury Trial Order.

OTHER

Sentencing Memorandums must be filed at least 5 days prior to sentencing.

All other Michigan Court Rules apply to situations that are not specified in this document.