

Honorable Kwamé L. Rowe

Courtroom Protocol

Fourth Floor – East Wing, Courtroom 4C – Oakland County Courthouse

Courtroom Telephone: 248-452-2005

Judicial Assistant: 248-421-7395

Judicial Staff Attorney: 248-221-8851

Procedural Guidelines for Practice in Judge Rowe's Courtroom

In order to better serve the attorneys and litigants appearing in Judge Rowe's courtroom, the Court has adopted the following protocols. Please advise your clients and staff so there are no misunderstandings.

Motions and Motion Day

Except by leave of the Court or as otherwise described herein, motions are scheduled pursuant to the local court rules and are heard every Wednesday at 8:30a.m. Parties must praecipe motions (excluding motions for summary disposition) for any Wednesday of their choice. **No add-ons are permitted.** The judge takes the bench promptly at 8:30a.m. If you expect to be more than 15 minutes late, you must call chambers immediately to inform the staff. If the non-moving party has not checked in by 9:30a.m., the clerk shall call the case upon the request of the moving party and the Court may grant the requested relief if appropriate. If the moving party has not checked in with the clerk by 9:30a.m., the Court may dismiss the motion. Motion hearings are heard via zoom until further notice of the Court. (Meeting ID 248 452 2005)

- **Orders:** Parties are expected to sign each order approved as to substance/form prior to its e-filed submission. Parties are required to file the order under the 7-Day Rule if unable to obtain all signatures. If a timely objection is filed, then the Court will set a hearing to be held during the Court's motion call.
- **Responsive Pleadings:** Any responsive pleadings must be filed no later than the Monday before the motion hearing at 11:59 p.m. Any late filing will not be considered.
- **Adjourning Motions:** Only the moving party may adjourn their motion. The moving party must notify chambers by **4:00p.m. the Tuesday** before the Court is scheduled to hear the motion. The moving party shall notify other parties that the motion has been adjourned. A re-praecipe and notice of hearing is required.
- **Dispositive Motions:** The staff attorney will set a motion for summary disposition date upon receipt of the filed motion. It is not necessary to contact the staff attorney to receive

a hearing date. Please file a praecipe and a notice of hearing when that date has been provided by the Court's staff attorney. Please provide a Judge's Copy. Motions which exceed the page limit will be rejected. Late filings will be rejected.

- **Motions for Reconsideration; Motion for Resentencing:** A judge's copy is required. Unless the Court otherwise indicates, no hearing is scheduled, and no response is required.
- **Emergency Motions:** A request for an emergency hearing may be submitted anytime via motion. The moving party must 1) e-file the emergency motion, 2) Advise the Court's staff of the emergency motion via email at judgerowechambers@oakgov.com ,3) wait to receive a decision from the Court as to the emergency request. Oral requests for an emergency motion will not be considered.
- **Appeals:** Follow court rules for license restoration and district court appeals.
- **Temporary Restraining Orders (TRO) and Preliminary Injunctions:** The Court strictly adheres to MCR 3.310 and will only grant *ex parte* relief in accordance with the court rules. The Court may accelerate the briefing schedule for motions for a temporary restraining order or preliminary injunction if good cause is shown.
- **Discovery Master (motions to compel):** Motions to Compel will be referred to the Discovery Master for resolution. If the parties are not able to resolve after meeting with the Discovery Master, and wish the Court to decide on the motion, the moving party must re-praecipe the motion, and include the word "*unresolved*" in the motion title for the next available motion date. Discovery recommendations shall be e-filed immediately following the meeting with the Discovery Master whether parties have resolved their discovery issues or not.
- **Multiple Motions:** The motion praecipe and motion pleading must have the same motion title. The Court requires separate motions and praecipes for multiple requests. The Court will not hear multiple motions in one single filing.
- **Request to Seize Property:** Parties must submit an attached itemized statement to the request for consideration.
- **Motion for Alternate Service:** Parties must include an affidavit of at least 3 attempts of service on separate weeks and a postal verification for consideration.

Criminal Call

Criminal call will be held weekly on Mondays at 1:00p.m. The judge takes the bench **promptly**. Attorneys are expected to check in with the clerk at 12:30p.m. If you expect to be more than 15 minutes late, you must call chambers to inform the staff of your whereabouts. If you need to leave the courtroom for any reason, you must inform the clerk.

- **Arraignments by Mail:** This Court will accept arraignments by mail (waiver of arraignments) via Mi-File. Parties must appear for arraignment if the ABM is not timely submitted.
- **Adjournments:** The Court will consider reasonable adjournment requests.
- ***People v Cobbs*:** The Court may consider pleas made pursuant to *People v. Cobbs* at arraignment or the pre-trial conference. It is within the Court's discretion to accept pleas made pursuant to *Cobbs* on the day of trial.
- **Motion Cut-Off:** All motions on criminal cases must be filed and heard at least two weeks prior to the scheduled trial date.
- **Sentencing Memoranda:** All sentencing memoranda and any other documentation for the Court's consideration must be submitted at least three days prior to sentencing. Please email this documentation to judgerowechambers@oakgov.com.

Civil Conferences

- **Status Conferences:** The Court holds status conferences as requested. Counsel may appear by Zoom. Clients need not attend these conferences.
- **Settlement and Final Pre-Trial Conferences:** The Court holds settlement and final pre-trial conferences after case evaluation. **Clients shall appear at these conferences.**

Trials (Generally)

A final pretrial order will be issued in all civil and criminal cases.

- **Schedule:** The Court conducts trial on the following days: Mondays and Tuesdays from 8:30a.m., to 4:30p.m., Wednesdays from 1:30p.m. to 4:30p.m., Thursdays from 8:30a.m. to 4:30p.m., and Fridays from 1:30p.m. to 4:30p.m.
- **Exhibits:** Counsel should stipulate to as many exhibits as possible before the trial date. Exhibits should be marked prior to trial (Plaintiff – numbers; Defendant – letters).
- ***Voir Dire*:** The Court conducts general *voir dire*, and, under most circumstances, attorneys conduct *voir dire* related to the circumstances of the case. Attorneys shall refer to jurors by seat number and/or juror number.
- **Adjournments:** The Court will consider reasonable requests to adjourn via stipulation. Parties will be notified if a motion is required.

- **Jurors (generally):** The Court permits jurors to take notes. The Court does not permit jurors to ask questions. The Court provides the jury with written jury instructions for deliberations.

Civil Trials:

- **Jury Instructions:** A **stipulated** set of jury instructions and verdict form must be filed no later than seven days prior to the trial date. Any disputed jury instructions or verdict form must be clearly marked and included with the stipulated jury instruction packet. The attorneys shall provide an electronic copy of the jury instructions including the verdict form to the Judicial Staff Attorney on the date of trial.
- **Bench Brief:** The bench brief must be filed no later than seven days prior to the trial date.

Criminal Trials:

- **Jury Instructions/ Verdict Form:** The Prosecutor provides a set of final jury instructions and verdict form in electronic form to the Judicial Staff Attorney on or before the day of trial. The Defense must review the jury instructions and notify the Judicial Staff Attorney regarding any objections or request for additional jury instructions.

Courtroom Decorum:

- All parties shall be respectful to the Court, court staff, opposing parties, and others.
- Anyone appearing in court should be dressed appropriately. Those dressed inappropriately risk not having their case heard. In accordance with local rules, men will be asked to remove their hats. Cell phones must be silenced. Any cell phone that rings while Court is in session may be confiscated.

ZOOM INSTRUCTIONS

Tablets and Phones:

Install the Zoom App from the App Store or Play Store prior to the call. At the time of the call, launch the Zoom app and join using Meeting ID **248 452 2005**

Desktop PCs and Laptops:

From the browser, go to the Zoom Web Site (zoom.us). Click on “Join Meeting.”
Join using Meeting ID **248 452 2005**

Audio-only via Telephone:

Call (646) 876-9923
Connect using Meeting ID **248 452 2005**

PUBLIC ACCESS TO HEARINGS

Except for essential functions that cannot be conducted remotely, the Court is not conducting in-person proceedings at this time. All courtroom proceedings will be conducted electronically using Zoom video and/or audio conferences. Please see the information above for how to access the Zoom conferences.

If you wish to observe a court proceeding via Zoom, please check the court calendar at <https://jsos.oakgov.com/OaklandCounty>.

If you need to confirm a hearing date or request to appear by Zoom, please see the instructions outlined above in Judge Rowe’s COVID-19 Protocols.

Participants are reminded that all virtual court appearances are an extension of the courtroom; therefore, parties must adhere to proper conduct and appropriate attire is required. The Judge has full power over remote participants as if they were present in the physical court room.

Zoom participants can choose to view anonymously by ensuring they are named as *Public* and turning off their video. If you need assistance with this, please ask the clerk when joining the hearing. Viewers are prohibited from recording or otherwise copying court proceedings.