

LOCAL COURT RULES

DISTRICT COURTS

First Judicial District (Monroe)

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

(C) Summons.

The summons must comply with MCR 2.102, and shall command the defendant to appear in accord with MCL 600.5735(4), as follows:

- (a) within 10 days after service of the summons upon the defendant, in proceedings under MCL 600.5726;
- (b) within 5 days after service of the summons upon the defendant in all other proceedings.

2-A Judicial District (Lenawee)

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

(C) Summons.

(1) The summons must comply with MCR 2.102, and shall command the defendant to appear in accord with MCL 600.5735(4), as follows:

- (a) within 10 days after service of the summons upon the defendant, in proceedings under MCL 600.5726;
- (b) within 5 days after service of the summons upon the defendant in all other proceedings.

3-B Judicial District (St. Joseph)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Twelfth Judicial District (Jackson)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

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(b) within 5 days after service of the summons upon the defendant in all other proceedings.

Eighteenth Judicial District (Wayne Westland)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

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(1) The summons must comply with MCR 2.102, and shall command the defendant to appear in accord with MCL 600.5735(4), as follows:

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Twenty-Seventh Judicial District (Wayne Riverview)

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

[Rescinded effective August 24, 2012]

Thirty-Sixth Judicial District (Wayne Detroit)

Rule: 2.113 Form of Pleading and Other Papers

[Rescinded March 25, 1991, effective immediately.]

Rule: 2.119 Motion Practice for Motions in General Civil Cases

(A) Application. The provisions of this rule apply to motions filed in general civil cases in the 36th District Court. This rule does not apply to motions filed in small claims, real estate, traffic, or criminal cases. The judge's copy of motions and responses shall be filed with the clerk at the same time as the originals.

(B) Motion Praeipie Forms. A motion praecipe form provided by the clerk of the court must be attached to the judge's copy of all motions.

(C) No Oral Argument; Decision/Review Date; Notice. There is no oral argument on motions unless a request is made and is granted by the assigned judge. The moving party shall choose a decision/review date that shall be a Tuesday and shall constitute "the time set for hearing" under MCR 2.119(C) and MCR 2.116(B)(2) for purposes of providing adequate notice to the opposing party. The moving party must provide notice of the decision/review date to the opposing party or that party's attorney. The notice must advise that there will be no oral argument unless the assigned judge grants a request.

(D) Certification of Attempt to Obtain Concurrence. The attorney for the moving party or the moving party must certify on the praecipe form that the opposing party or that party's attorney has been contacted and asked to concur in the relief sought, and that concurrence has been denied or otherwise not obtained.

(E) Responses; Notation of Decision/Review Date. A response to a motion must be filed no later than 3 days before the decision/review date. That date must appear on the upper right corner of the first page of any pleading, brief, or other document relating to a pending motion.

Rule: 2.603 Default and Default Judgments

On order of the Court, Rule 2.603 of the Local Court Rules of the 36th Judicial District Court is rescinded, effective immediately.

Rule: 3.101 Garnishment After Judgment

(F) Service of Writ. The writ of garnishment and the disclosure form, and a copy of the writ for each principal defendant, must be served on the garnishee defendant in the manner provided for the service of a summons and complaint in MCR 2.105 within 14 days after the writ was issued.

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

Local court rule 4.201 is rescinded, effective immediately.

Rule: 4.202 Summary Proceedings; Land Contract Forfeiture

Local court rule 4.202 is rescinded effective March 22, 2011.

Forty-Eight Judicial District (Oakland Bloomfield Hills)

Rule: 2.402 Facsimile Transmission of Documents

54-A Judicial District (Ingham Lansing)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

54-B Judicial District (Ingham East Lansing)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Fifty-Fifth Judicial District (Ingham County)

Rule 4.201 Summary Proceedings to Recover Possession of Premises

[Rescinded effective August 24, 2012]

56-1 Judicial District (Eaton)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Sixty-First Judicial District (Kent Grand Rapids)

Rule: 2.402 Use of Facsimile and Communication Equipment for the Filing and Transmission of Court Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

62-A Judicial District (Kent Wyoming)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

65-1 Judicial District (Clinton St. Johns)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Sixty-Eight Judicial District (Genesee Flint)

Rule: 2.503 Adjournment Policy

Requests must be made by motion or stipulation in writing or orally in open court based on good cause, except as specifically exempted below:

- (1) Felony pretrial can be adjourned by the prosecutor who shall note the adjournment and new date on the Register of Actions.
- (2) The clerk's office can grant adjournment of misdemeanor arraignments for a period not exceeding 1 week from the originally scheduled date. At the option of the defendant, the new date can be set for any day within the period at 8:30 A.M. or 3:00 P.M.
- (3) Alias dates (i.e., no service by date originally scheduled) can be given by the clerk's office, however, this cannot be done on the phone. All copies of the summons must be returned to the clerk's office so the new date and time can be noted on the stipulation. The person making the change must put his or her initials on the stip, and, at the bottom, put the date the change was made and the initials again.
- (4) The scheduling office may adjourn initial misdemeanor pretrials as necessary, except that it must occur prior to the final pretrial. Final misdemeanor pretrials may not be adjourned except pursuant to MCR 2.503.
- (5) The scheduling office may adjourn civil pretrials no more than two times upon receipt of written stipulation and order.
- (6) The scheduling office may adjourn nonjury trials no more than one time upon receipt of written stipulation and order.
- (7) Jury trials may not be adjourned except pursuant to MCR 2.503.

Seventy-Fourth Judicial District (Bay)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Eighty-First Judicial District (Alcona Arenac Iosco Oscoda)

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 - (b) within 5 days after service of the summons upon the defendant in all other proceedings.

Eight-Second Judicial District (Ogemaw)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

(C) Summons.

(1) The summons must comply with MCR 2.102, and shall command the defendant to appear in accord with MCL 600.5735(4), as follows:

(a) within 10 days after service of the summons upon the defendant, in proceedings under MCL 600.5726;

(b) within 5 days after service of the summons upon the defendant in all other proceedings.

Eighty-Ninth Judicial District (Cheboygan Presque Isle)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

95-B Judicial District (Dickinson Iron)

Rule: 4.201 Summary Proceedings to Recover Possession of Premises

(C) Summons.

(1) The summons must comply with MCR 2.102, and shall command the defendant to appear in accord with MCL 600.5735(4), as follows:

(a) within 10 days after service of the summons upon the defendant, in proceedings under MCL 600.5726;

(b) within 5 days after service of the summons upon the defendant in all other proceedings.

Recorder's Court

Rule: 2.302 Discovery of Documents and Exhibits

(A) On a motion in open court at the arraignment on the information or by a subsequent proper motion, the trial court may order that the prosecution make copies of the following available to defense counsel:

- (1) All statements known to the police and prosecutor by all endorsed witnesses;
- (2) All statements by the defendant which have been recorded or written;
- (3) The investigator's report and all preliminary complaint reports (PCR's) concerning the case;
- (4) The defendant's arrest and conviction record;
- (5) All scientific and laboratory reports;
- (6) All corporeal and photographic lineup sheets.

(B) The trial court may also order that the prosecution permit defense counsel to view the following:

- (1) All photographs, diagrams, or other visual evidence pertaining to the case that are in police custody;
- (2) All physical or tangible evidence pertaining to the case that are in police custody.

(C) Additionally, the court may order that the prosecution permit defense counsel to view or receive copies of any and all other documents pertaining to the case that are in the possession or control of the police or prosecution. This shall be in effect whenever such documents or items may be material to the defense, regardless of whether they are intended for evidence at trial.

Rule: 2.401 Pretrial Conferences

(A) The pretrial stage begins after the arraignment on the information. The purpose of the pretrial conference is to review the legal issues, to advise the court of any motions, and to fix time limitations on such motions and filings. Guilty plea possibilities are to be discussed as well as other matters the court may determine to be necessary to expedite the orderly progression of the case. The pretrial stage consists of three phases:

- (1) The calendar conference for setting the calendar of events;
- (2) Motion and evidentiary hearings; and
- (3) Final conference for terminating plea negotiations, certifying readiness for trial, and setting a firm trial date.

(B) Attendance is required. The presence of the defendant, defense counsel, and the prosecutor is required at each conference.

Rule: 2.503 Continuances and Adjournments

Adjournments, postponements, or continuances of any trial or other proceeding shall occur only on a written order of the chief judge or a designee.

Rule: 2.506 Witnesses and Subpoenas

(A) Filing of Witness Lists. The court clerk may assume responsibility for the service of subpoenas on witnesses for either party provided that either party, the

prosecution, or defense, files in the clerk's office, no later than 28 days prior to the scheduled trial date, a complete list of the respective witnesses for whom subpoenas are sought, together with their addresses.

(B) Subpoenas, Preparation, and Service. When witness lists are filed in accordance with subrule (A), the court clerk shall direct the timely and proper preparation of subpoenas for each of the witnesses listed and shall be responsible for seeing that the proper officers of the Detroit Police Department receive the subpoenas timely with directions that they be promptly served and that a return of service for each subpoena is filed with the court before the trial date or the date of such other proceeding for which the attendance of the witness is required.

(C) Whenever the procedure for service of subpoenas which is outlined in this rule is not followed, and due diligence is not shown with respect to the service of subpoenas on any witness, no adjournment, postponement, or continuance will be granted because of the failure of the witness to appear.

Rule: 2.511 Jurors; Jury Service

(A) Supervision of Jurors. The chief judge shall supervise persons summoned for jury duty in Recorder's Court and shall exercise the other responsibilities required by law or court rules pertaining to jury service. The trial judge, however, shall supervise jurors summoned before him or her for voir dire and the entire jury selection process, and shall supervise those jurors selected to sit on a case until they are discharged by the trial judge.

(B) Term of Juror Services. Persons summoned for jury duty shall serve one day, or the duration of any trial for which they are jurors.

(C) Communication Between Jurors, Attorneys, and Court Personnel. Deputy clerks, prosecuting or defense attorneys, police officers, or other officials or employees on duty in the Recorder's Court building who must perform any duty, directly or indirectly, with or for any jurors or panel of jurors, shall not converse with them at any time or place during their period of service. Only necessary social civility or the transaction of necessary court business are excepted from this rule.

Rule: 6.101 Pretrial Proceedings; Arraignment on the Information

(A) Immediately after a defendant is bound over for trial, the defendant, the defense counsel, and the prosecuting attorney shall be notified of the date and time of arraignment on the information.

(B) When a defendant is confined in jail, he or she shall be arraigned on the information before the chief judge or a designee on the seventh calendar day after the magistrate signs the return; when a defendant is free on bail or recognizance, he or she shall be arraigned on the fourteenth calendar day after the magistrate signs the return. Court holidays shall not be counted in computing time.

(C) At the arraignment on the information, the chief judge, or a designee, may accept a plea of guilty and may consider an application for youthful trainee or diversionary status.