

Judge Swartz's Motion Practice

Service

Court Rule MCR 2.119(C) and local practice require:

- A. Filing of motion at least 7 days prior to hearing. Original and "Judge's Copy" filed with court services.
- B. MCR 2.119(A) requires the filing of a brief if point of law is being argued. A clearly marked "Judge's Copy" of the motion and brief must be filed with Judge's office.
- C. Filing of "Notice of Motion Hearing" and "Proof of Service" with central assignment to schedule hearing.
- D. Service on opposing counsel must be made 9 days prior to hearing by mail, or 7 days prior if by personal service.
- E. Response to motion must be served 5 days prior to hearing if by mail, or 3 days prior if by personal service.

Motion

The motion should contain all the facts relied upon and specifically the following:

- A. AT THE BEGINNING OF THE MOTION state the specific relief requested.
- B. Attach any documents relied upon in the motion.

Response

The response should contain all the facts relied upon and specifically the following:

- A. AT THE BEGINNING OF THE ANSWER state the specific relief requested, including any areas of agreement (if relevant).
- B. Respond to the allegations.
- C. Attach any necessary documents.

Attorney Fees

Fees will be ordered for frivolous motions or unreasonable behavior, failure to follow orders, or failure to comply with discovery, among other reasons.

Judge's Expectations

The Judge expects the following to happen:

- A. The attorneys will talk to each other (or an unrepresented party) to narrow the issues before arguing to the judge.
- B. Client should be personally present or available by phone.
- C. If counsel leave the courtroom to discuss the case, and the case is called while they are out, when they return to the court room, they should tell the clerk they are ready. The case will be called as soon as reasonably possible.
- D. Attorneys must be prepared (with calendars and client calendar) to set future dates.

Argument

- A. Check in with Clerk/Recorder. The judge will consider it a waste of time to "approach the bench" on routine matters.
- B. The Court may dispense with argument pursuant to Court Rule.
- C. If argument is permitted, the court may limit time for argument.
- D. Counsel should assume motion briefs have been read and not re-argue matters set forth in the brief.
- E. If no order is entered by the Court at hearing, the attorneys should talk to each other about the Judge's ruling. If they disagree, they should report back to the Court for clarification before they leave the building. Both counsel should be prepared to present an order following the hearing.