

**LOCAL COURT RULES
CIRCUIT COURTS**

Third Judicial Circuit (Wayne)

Rule: 2.100 Praecipes–Forms and Procedure

(A) At Issue Praecipes–Forms. The following forms shall be used for "At Issue Praecipes":

- (1) Yellow form–Domestic relations default judgments.
- (2) Blue form–Contested domestic relations actions.
- (3) White form–All other civil actions.

(B) At Issue Praecipes–Filing. An "At Issue Praecipe" shall be filed with Docket Management and a copy served on the attorneys of record or parties in propria persona, with the answer to the complaint.

(C) Added Parties or Appearance After Praecipe Is Filed (Notice to Docket Management). If any party is added to an action or an attorney appears in an action after the "At Issue Praecipe" is filed, the party or attorney shall immediately notify Docket Management.

(D) Domestic Relations Actions. In uncontested domestic relations actions the action shall be considered "at issue" when the default has been taken, and an "At Issue Praecipe" shall be filed with the affidavit of default.

Rule: 2.107 Service and Filing of Pleadings and Other Papers

(A) Service of Pleadings. At the time of service of the summons and complaint, the plaintiff shall serve upon the opposing parties the preprinted caption labels provided pursuant to LCR 2.113(C).

Rule: 2.113 Form of Pleadings and Other Papers

(C) Pleadings – Requirement of Preprinted Labels. All pleadings hereinafter filed shall bear on the face thereof preprinted caption labels to be furnished by the Office of the County Clerk.

Rule: 2.119 Motion Practice

(A) Motion Praecipe Forms. A white form is to be used for a general motion praecipe and a yellow form for a domestic relations motion praecipe.

(B) Additional Motion Requirements.

- (1) Certification by Attorney. The following certificate signed by the attorney of record or the party in propria persona must be placed on the face sheet of each motion filed in the county clerk's office:

I hereby certify that I have complied with all provisions of LCR 2.119(B) on motion practice.

Attorney of Record

(2) Ascertaining Opposition; Contents. The moving party must ascertain whether a contemplated motion will be opposed. The motion must affirmatively state that the concurrence of counsel in the relief sought has been requested on a specified date, and that concurrence has been denied or has not been acquiesced in, and hence, that it is necessary to present the motion.

(C) Rescinded April 2, 2003.

(D) Motions and Orders to Show Cause in Civil Cases Other Than Domestic Relations Cases. The original motion must be filed with the county clerk, who shall indicate payment of the motion fee on the praecipe. The praecipe, with a copy of the motion or order to show cause and the brief, if any, attached, must be delivered to the judge who is to hear the motion or order to show cause. Any party filing any pleading, brief, or other document relating to a pending motion or order to show cause shall indicate the hearing date and time for oral argument of the motion or order to show cause in the upper right corner of the front page of each document, file the original with the county clerk, and deliver a copy to the judge who is to hear the motion or order to show cause.

Rule: 3.206 Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order

A completed "Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order" must be filed in all actions for divorce, separate maintenance or annulment of marriage, where the complaint alleges that minor children were born to the parties or during the marriage. The original must be filed with the county clerk. Copies must be served on the Friend of the Court and the defendant. A proof of service must be provided to the Friend of the Court.

Rule: 3.207 Ex Parte Interim Orders for Support, Custody of Children and Attorney Fees; Notice of Dispute

(A) Before an ex parte interim order for the support of minor children or for attorney fees in a domestic relations action is presented to the judge, the party seeking the order must complete a "Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order," and a "Certificate of Conformity." The originals must be filed with the county clerk, and copies provided to the Friend of the Court. The party also must submit a Verified Statement as required by MCR 3.204(B).

(B) After the ex parte interim order for support is entered, the party who obtained the order must serve on the opposite party completed copies of the "Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order," the "Certificate of Conformity," the complaint (or counterclaim or petition), the custody affidavit required by MCL 600.659, and the ex parte interim order for support. A proof of service of these documents must be filed with the county clerk and the Friend of the Court.

(C) In all cases in which there is a dispute as to child custody, visitation, child support, or alimony, a party who requests the temporary or final order shall file with the Friend of the Court a written Notice of Dispute which shall include the information required by MCR 3.204 and the nature of the dispute. (Forms to be supplied by the Friend of the Court's office.)

Rule: 3.211 Judgments and Orders

(B) Certificate of Conformity. Domestic relations orders and judgments, when presented for the court's signature, shall be certified as to content on an appropriate Certificate of Conformity. The forms shall be provided by the Friend of the Court's office.

Rule: 3.920(B)(4) Simultaneous Attempts at Service in Juvenile Proceedings

(b) Service of a summons on the persons listed in MCR 3.920(B)(2) shall be attempted simultaneously by:

- (i) Personal service in accord with MCR 3.920(B)(4)(a):
- (ii) Registered mail directed to the person's last known address; and
- (iii) Publication in accord with MCR 3.920(B)(4)(b).

Personal service, service by registered mail, and service by publication shall be made in accord with the time standards in MCR 3.920(B)(5). If the court finds on the record that reasonable attempts have been made to personally serve persons required to be served and that personal service is impracticable or has not been achieved, the court may then rely on the service by registered mail or publication.

Rule: 6.100 Rules Applicable in the Third Judicial Circuit

(A) Criminal Division, Assignment of Judges, Case Processing. The Criminal Division of the Third Judicial Circuit shall consist of a presiding judge and such other judges as may be assigned by the chief judge. The number and term of said judges shall be determined by the chief judge.

(B) Appearance in Lower Court Constitutes Appearance in Circuit Court. Appearance by an attorney in a municipal or district court in any criminal action where the defendant is bound over to the Third Judicial Circuit shall constitute an appearance in the Third Judicial Circuit in said criminal action. An attorney may by motion for cause shown be permitted to withdraw from further representation of said defendant.

(C) Method of Assignment, Reassignment; Adjournments. Cases shall be assigned by lot to a trial judge. If the trial judge is unavailable on the date set for trial, the case shall be reassigned to an available judge within the Criminal Division or, if no such judge is available, then to a judge available in the Civil Division.

No trial of a criminal case shall be adjourned except by the presiding judge for good cause shown upon motion of the party seeking the adjournment or by the presiding judge for good cause.

(D) Implementation of Court-Administered Final Plea Conference in Criminal Felony Matters. A final plea conference shall be held prior to trial of all criminal felony cases bound over to the Third Judicial Circuit. The final plea conference shall be scheduled by the court after the conclusion of the arraignment on the information and no later than 3 weeks prior to the scheduled trial date. The final plea conference shall be administered by the presiding judge of the criminal division. The defendants, defense attorneys, and the Wayne County Prosecuting Attorney's office shall be notified in writing of the court-scheduled final conference and shall appear at the time and location specified in the notice. The failure of the defendant to appear for the final conference may result in the issuance of a warrant for his or her arrest and the revocation of bond. All requests for adjournment of the final conference are to be taken in open court before the presiding judge of the Criminal Division.

Rule: 6.410 Selection of Juries for Trials of Former Recorder's Court Cases

(A) Application.

This rule only applies to defendants who are

- (1) charged with committing a felony in the City of Detroit, and
- (2) arraigned on the warrant or complaint before October 1, 1997.

(B) Selection of Jurors.

For trials of defendants described in subrule (A), the court will draw potential jurors from all of Wayne County, unless the defendant elects in writing, on or before the final pretrial conference, to be tried by a jury composed of persons drawn only from the City of Detroit.

Rule: 8.108 Transcript for Appeal

A request or order for a transcript of proceedings in the Third Judicial Circuit for use on appeal must be made to Court Reporting Services or a designee of that office by completing and filing the required form with Court Reporting Services.

All transcripts will be filed with and can be obtained through Court Reporting Services by the ordering party, upon completion.