

JONATHAN B. FRANK, P.C.

Attorneys and Counselors

121 West Long Lake Road, Suite 200
Bloomfield Hills, Michigan 48304-2719

Telephone: 248-433-2589

Fax: 248-642-5241

Email: frank@jackiergould.com

OAKLAND COUNTY CIRCUIT COURT GLOSSARY AND TIMELINES

COMPLAINT: Initiates the lawsuit.

JURY DEMAND: Request that the case be decided by a jury, if appropriate.

ANSWER: Responds to the allegations in the lawsuit. Due within 21 or 28 days from service of the complaint, depending on the method of service. An answer may contain affirmative defenses, which further describe the defendant's position.

COUNTERCLAIM: A complaint filed by the defendant against the plaintiff.

THIRD-PARTY CLAIM: A complaint filed by the defendant against a party not originally in the case.

CROSS CLAIM: A complaint filed by one defendant against another defendant.

MOTION: A request by one party that the judge make a decision about some aspect of the case. Hearings on motions are typically Wednesday mornings, a week after the motion is filed.

SCHEDULING ORDER: Sent by court approximately 2 months after case is filed. Contains deadlines for certain activity in the case and a tentative trial date.

EARLY INTERVENTION CONFERENCE: May be scheduled 3-4 months after complaint is filed. Volunteer facilitator meets with the parties and their attorneys at the courthouse to determine if the case can be settled or the issues narrowed. Appearance is mandatory.

http://www.oakgov.com/circuit/program_service/civil-early-intervention-conference-program.html

DISCOVERY: Various methods used to obtain information from the opposition and from third parties. Typically completed within 6 months after the complaint is filed.

- **INTERROGATORIES:** Written questions that must be answered under oath within 28 days.
- **PRODUCTION OF DOCUMENTS:** Requests for documents that must be answered within 28 days.
- **REQUESTS TO ADMIT:** Requests that certain facts be admitted, must be answered within 28 days.
- **SUBPOENAS:** Court order that third parties produce documents.

- **DEPOSITIONS:** Questioning of witnesses under oath, transcribed by a court reporter.

EXHIBIT AND WITNESS LISTS: Due 3-4 months after scheduling order is issued.

CASE EVALUATION: 5-6 months after scheduling order is issued. Panel of three lawyers put a settlement figure on the case. The parties then have 28 days to accept or reject this figure. Mutual acceptance ends the case. Rejection subjects the rejecting party to possible penalties, including payment of the other side's attorney fees from the time the case evaluation is rejected through the end of proceedings in Oakland County Circuit Court.

<http://www.icle.org/mlo/mcr/02/2.403.htm>

MEDIATION: A method of Alternative Dispute Resolution (ADR). A neutral third party conducts a settlement conference.

SUMMARY DISPOSITION: A motion filed to reduce or eliminate issues from the case, typically after discovery is completed.

SETTLEMENT CONFERENCE: Conducted by the judge after discovery and case evaluation, usually shortly before trial.

TRIAL DATE: A tentative date set for trial. Due to a variety of circumstances, the actual trial date is often later than the first trial date set.

ARBITRATION: An alternative to a trial. Cases only go to arbitration where there is an agreement between the parties to do so.

APPEAL: Review by the Michigan Court of Appeals and Supreme Court.

HELPFUL LINKS

- **OAKLAND COUNTY CIRCUIT COURT**
<http://www.oakgov.com/circuit/>
- **OAKLAND COUNTY COURT EXPLORER:**
<http://www.oakgov.com/clerkrod/courtexplorer/index.html>
- **OAKLAND COUNTY JUDGE'S DIRECTORY:**
<http://www.oakgov.com/circuit/assets/docs/judges/judges-staff-phone-list.pdf>
- **MICHIGAN COURT RULES**
<http://courtofappeals.mijud.net/rules/>