Judicial Orders
Providing/Encouraging Opportunities for Junior Lawyers

02.10.17

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Judge William Alsup, Northern District of California

SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE IN CIVIL CASES BEFORE JUDGE WILLIAM ALSUP (January 11, 2016)

http://www.cand.uscourts.gov/whaorders

SETTING MOTIONS FOR HEARING

6. Counsel need not request a motion hearing date and may notice non-discovery motions for any Thursday (excepting holidays) at 8:00 a.m. The Court sometimes rules on the papers, issuing a written order and vacating the hearing. If a written request for oral argument is filed before a

ruling, stating that a lawyer of four or fewer years out of law school will conduct the oral argument or at least the lion's share, then the Court will hear oral argument, believing that young lawyers need more opportunities for appearances than they usually receive.

GUIDELINES FOR TRIAL AND FINAL PRETRIAL CONFERENCE IN CIVIL JURY CASES BEFORE THE HONORABLE WILLIAM ALSUP (January 11, 2016)

www.cand.uscourts.gov/filelibrary/192/JuryTrials1.pdf

29. Counsel shall stand when making objections and shall not make speaking objections. The one-lawyer-per-witness rule is usually followed but will be relaxed to allow young lawyers a chance to perform. Side bar conferences are discouraged.

39. The Court strongly encourages lead counsel to permit young lawyers to examine witnesses at trial and to have an important role. It is the way one generation will teach the next to try cases and to maintain our district's reputation for excellence in trial practice.

JUDGE WILLIAM ALSUP'S NOTICE RE OPPORTUNITIES FOR YOUNG ATTORNEYS (sent out to parties one week prior to every civil motion hearing)

Counsel will please keep in mind the need to provide arguments and courtroom experience to the next generation of practitioners. The Court will particularly welcome any lawyer with four or fewer years of experience to argue the upcoming motion.

Judge Christopher Burke, District of Delaware

STANDING ORDER REGARDING COURTROOM OPPORTUNITIES FOR NEWER ATTORNEYS (January 23, 2016)

http://www.ded.uscourts.gov/sites/default/files/forms/StandingOrder2017.pdf

The Court is cognizant of a growing trend in which fewer cases to trial, an in which there are generally fewer opportunities in court for speaking or "stand-up" engagements. This is especially true for newer attorneys, that is, attorneys practicing for less than seven years ("newer attorney(s)").

Recognizing the importance of the development of future generations of practitioners through courtroom opportunities…. The Court adopts the following procedures regarding oral argument as to pending motions:

(1) After a motion is fully briefed, either as a part of a Request for Oral

Arguments, or in a separate Notice filed thereafter, a party may alert the Court that, if argument is granted, it intends to have a newer attorney argue the motion (or a portion of the motion).

(2) If such notice is provided, the Court will:

A. Grant the request for oral argument on the motion, if it is at all practicable to do so.

B. Strongly consider allocating additional time for oral argument beyond what the Court may otherwise have allocated, were a newer attorney not arguing the motion.

C. Permit other more experienced counsel of record the ability to provide some assistance to the newer attorney who is arguing the motion, where appropriate during oral argument.

All attorneys, including newer attorneys, will be held to the highest professional standards. Relatedly, all attorneys appearing in court are expected to be adequately prepared and thoroughly familiar with the factual record and the applicable law, and to have a degree of authority commensurate with the proceeding.

The Court also recognizes that there may be many different circumstances in which it is not appropriate for a newer attorney to argue a motion. Thus, the Court emphasizes that it draws no inference from a party's decision not to have a newer attorney argue any particular motion before the Court.

Additionally, the Court will draw no inference about the importance of a particular motion, or the merits of a party's argument regarding the motion, from the party's decision to have (or not to have) a newer attorney argue the motion.

Judge Denise Casper, District of Massachusetts

STANDING ORDER REGARDING COURTROOM OPPORTUNITIES FOR RELATIVELY INEXPERIENCED ATTORNEYS (May 16, 2011)

http://www.mad.uscourts.gov/boston/pdf/casper/Casper_StandingOrderReCourtroomOpportunities.pdf

In May 2005, Judge F. Dennis Saylor (and then Magistrate Judge Charles B. Swartwood), sitting in the Central Division (Worcester) of this Court, adopted a standing order “strongly encourag[ing] the participation of

relatively inexperienced attorneys in all court proceedings." As the Court explained at the time, the standing order was prompted by the recognition that the "[c]ourtroom opportunities for relatively inexperienced attorneys, particularly those who practice at larger firms, have declined precipitously across the nation in recent years." This standing order remains in place in the Central Division for appearances before Judge Saylor and Magistrate Judge Timothy S. Hillman and anecdotal information indicates that the order has had the desired effect of having more well prepared junior attorneys attend status conferences, argue motions to the Court, and, under appropriate supervision, examine witnesses at trial.

The decline in courtroom opportunities for newer lawyers is widely recognized and is one of concern to both the bench and bar. A Task Force of the Boston Bar Association acknowledged as much in its report, "Jury Trial Trends in Massachusetts: The Need to Ensure Jury Trial Competency Among Practicing Attorneys as a Result of the Vanishing Jury Trial Phenomenon," issued in 2006. As a result of its year-long work exploring the statistical and anecdotal evidence regarding the rate of jury trials over time, the Task Force concluded that "the 'vanishing jury trial' is actually affecting the jury trial experience of current and future generations of practitioners" and 2 made recommendations to courts, lawyers and clients to remedy this issue. Among its recommendations to the judiciary, the Task Force called upon "judges presiding over pre-trial conferences and related matters to identify and encourage opportunities for a junior attorney to participate in the examination of witnesses or other significant trial work."

To take up this call and attempt, in some small measure, to remedy the dearth of courtroom opportunities for newer attorneys, the undersigned judge issues this standing order, substantially similar in purpose and intent to the order previously adopted by the Central Division. **Accordingly, the undersigned judge, as a matter of policy, strongly encourages the participation of relatively inexperienced attorneys in all court proceedings including but not limited to initial scheduling conferences, status conferences, hearings on discovery motions and dispositive motions, and examination of witnesses at trial. That said, a number of important caveats regarding professional standards, authority and supervision apply to this policy.**

1. First and foremost, all attorneys who appear in this session will be held to the highest professional standards. This includes relatively inexperienced attorneys with regard to knowledge of the case, overall preparedness, candor to the court and any other matter as to which experience is largely irrelevant. All attorneys who appear in court are expected to be thoroughly versed in the factual record of the case and the

applicable law that governs.

2. All attorneys appearing in court should have a degree of authority commensurate with the proceeding. For example, an attorney appearing at an initial scheduling conference or status conference should have the authority to commit his/her party to a discovery and motion schedule and address any other matters likely to arise including but not limited the client's willingness to be referred to mediation.

3. Relatively inexperienced attorneys who seek to participate in evidentiary hearings of substantial complexity (e.g., examining a witness at trial), should be accompanied and supervised by a more experienced attorney unless counsel seeks and receives leave of Court to do otherwise.

Judge Gregg J. Costa, Southern District of Texas

COURT PRACTICES AND PROCEDURES (updated January, 2017)

http://www.txs.uscourts.gov/sites/txs/files/costa_procedures.pdf

4. Young Lawyers. The Court is aware of a trend today in which fewer cases go to trial, and in which there are generally fewer speaking or "stand-up" opportunities in court, particularly for young lawyers (i.e., lawyers practicing for less than seven years). The Court strongly encourages litigants to be mindful of opportunities for young lawyers to conduct hearings before the Court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response. In those instances where the Court is inclined to rule on the papers, a representation that the argument would be handled by a young lawyer will weigh in favor of holding a hearing. The Court understands that there may be circumstances where having a young lawyer handle a hearing might not be appropriate—such as where no young lawyers were involved in drafting the motion, or where the motion might be dispositive in a "bet-the-company" type case. Even so, the Court believes it is crucial to provide substantive speaking opportunities to young lawyers, and that the benefits of doing so will accrue to young lawyers, to clients, and to the profession generally. Thus, the Court encourages all lawyers practicing before it to keep this goal in mind.

Judge Edward J. Davila, Northern District of California

STANDING ORDER FOR CIVIL CASES (February 12, 2015)

http://www.cand.uscourts.gov/ejdorders

> III(H). Opportunities for Junior Lawyers
>
> The Court strongly encourages parties to permit less experienced lawyers to actively participate in the proceedings by presenting argument at motion hearings or examining witnesses at trial

Judge James Donato, Northern District of California

STANDING ORDER FOR CIVIL CASES BEFORE JUDGE JAMES DONATO (January 05, 2017)

http://www.cand.uscourts.gov/jdorders

> 13. The Court has a strong commitment to supporting the development of our next generation of trial lawyers. The Court encourages parties and senior attorneys to allow younger practitioners the opportunity to argue in court. The Court will extend motion argument time for those lawyers. The parties should advise the Court prior to the hearing if a lawyer of 5 or fewer years of experience will be arguing the cause.

Judge Yvonne Gonzales Rogers, Northern District of California

STANDING ORDER IN CIVIL CASES (Updated October 26, 2016)

http://www.cand.uscourts.gov/filelibrary/867/ygrStanding%20Order%20In%20Civil%20Cases%20updated%20August%2019%202013.pdf

> 2d. Before appearing for a matter before this Court, all parties shall check the Court's calendar at www.cand.uscourts.gov or the posting in the Clerk's Office to confirm that their matter is still on calendar. Frequently, the Court will issue a written order and vacate the hearing unless oral argument appears to be necessary. Where argument is allowed, the Court will attempt to advise counsel in advance of the issues to be addressed. In addition, if a written request for oral argument is filed, before issuance of a ruling, stating that a lawyer four or fewer years out of law school will conduct all or most of the oral argument, the Court will entertain oral argument on the principle that young lawyers need more opportunities for appearances than they typically receive.

Judge Paul S. Grewal, Northern District of California

Case Specific Order, GSI Technology Inc. v. United Memories, Inc., Case No. 5:13-cv-01081-PSG, ORDER RE: ORAL ARGUMENT (March 9, 2016)

> In a technology community like ours that prizes youth—at times

unfairly—there is one place where youth and inexperience seemingly comes with a cost: the courtroom. In intellectual property case after intellectual property case in this courthouse, legions of senior lawyers with decades of trial experience regularly appear. Nothing surprises about this. When trade secret or patent claims call for millions in damages and substantial injunctive relief, who else should a company call but a seasoned trial hand? But in even the brief tenure of the undersigned, a curious trend has emerged: the seasoned trial hand appears for far more than trial itself. What once might have been left to a less experienced associate is now also claimed by senior counsel. Motion to compel discovery? Can't risk losing that. Motion to exclude expert testimony? Can't risk losing that, either. Motion to exclude Exhibit 20356 as prejudicial under Fed. R. Evid. 403? Same thing.

All of this raises a question: who will try the technology cases of the future, when so few opportunities to develop courtroom skills appear? It is difficult to imagine handing entire intellectual property trials to a generation that never had the chance to develop those skills in more limited settings. Senior lawyer and their clients may shoulder some of the blame, but surely courts and judges like this one must accept a large part of the responsibility. Perhaps this explains the growing and commendable effort by leaders on the bench to promote courtroom opportunities for less experienced lawyers, especially in intellectual property disputes.1

This case offers this member of the bench a chance to start doing his small part. In a jury trial lasting several weeks, the court was privileged to witness some of the finest senior trial counsel anywhere present each opening statement, each direct and cross-examination and each closing argument. The court intends no criticism of any party's staffing decisions. But with no fewer than six post-trial motions set for argument next week, surely an opportunity can be made to give those associates that contributed mightily to this difficult case a chance to step out of the shadows and into the light. To that end, the court expects that each party will allow associates to present its arguments on at least two of the six motions to be heard. If any party elects not to do this, the court will take its positions on all six motions on the papers and without oral argument.

1 *See, e.g.*, ChIP's Next Gen Committee, *Judicial Orders Providing/Encouraging Opportunities for Junior Lawyers*, *available at* http://chipsnetwork.org/wp-content/uploads/2016/02/Judicial-Orders-re-Next-Gen-2.4.16.pdf.

> The day before last, I expressed my concerns about the lack of courtroom opportunities for law firm associates in intellectual property cases like this one. Recognizing the court's own important role in encouraging clients and partners to give up the podium once in a while, I asked that each party give associates the chance to argue just two of six motions set for hearing on Monday.
>
> This morning, the parties and their counsel responded. But rather than confirm their commitment to this exercise, the parties jointly stipulated simply to take all motions off calendar and submit them without any hearing. No explanation was given; perhaps associate preparation and travel costs were the issue. In any event, once again, another big intellectual property case will come and go, and the associates who toil on it will largely do so without ever being heard.
>
> I appreciate that my order acknowledged the possibility that the parties would decline this opportunity and simply submit their motions on the papers. But I would be remiss if I did not observe the irony of another missed opportunity to invest in our profession's future when two of the motions originally noticed for hearing seek massive fees and costs. To be clear, GSI asks for $6,810,686.69 in attorney's fees, $1,828,553.07 in non-taxable costs and $337,300.86 in taxable costs, while UMI asks for $6,694,562 in attorney's fees, $648,166 in expenses and $302,579.70 in taxable costs. That a few more dollars could not be spent is disappointing to me. My disappointment, however, is unlikely to compare to the disappointment of the associates, who were deprived yet again of an opportunity to argue in court.

Judge Andrew J. Guilford, Central District of California

Scheduling Order Specifying Procedures

http://www.cacd.uscourts.gov/sites/default/files/documents/AG/AD/Scheduling%20Order%20Specifying%20Procedures.pdf

> 6.12 Other Possible Trial Procedures. The Court is open to creative trial procedures, such as imposing time limits, allowing short statements introducing each witness's testimony before examination, allowing questions from the jury, and giving the jury a full set of instructions before the presentation of evidence. The Court reminds parties that trial estimates affect juries. The Court strongly encourages the parties to give young associate lawyers the chance to examine witnesses and fully participate in trial (and throughout the litigation!).

Judge Timothy Hillman, District of Massachusetts

STANDING ORDER RE: COURTROOM OPPORTUNITIES FOR RELATIVELY INEXPERIENCED ATTORNEYS (November 2, 2006)

http://www.mad.uscourts.gov/worcester/pdf/StandOrd_CrtrmOpps.pdf

Courtroom opportunities for relatively inexperienced attorneys, particularly those who practice at larger firms, have declined precipitously across the nation in recent years. That decline is due to a variety of factors, but has been exacerbated by the proliferation of rules and orders requiring the appearance of "lead" counsel in many court proceedings.

In an effort to counter that trend, the undersigned District Judge and Magistrate Judge, as a matter of policy, strongly encourage the participation of relatively inexperienced attorneys in all court proceedings. Such attorneys may handle not only relatively routine matters (such as scheduling conferences or discovery motions), but may also handle, where appropriate, more complex matters (such as motions for summary judgment or the examination of witnesses at trial). The following cautions, however, shall apply.

First, even relatively inexperienced attorneys will be held to the highest professional standards with regard to any matter as to which experience is largely irrelevant. In particular, all attorneys appearing in court are expected to be appropriately prepared, regardless of experience. For example, any attorney who is arguing a motion for summary judgment is expected to be thoroughly familiar with the factual record and the applicable law.

Second, all attorneys appearing in court should have a degree of authority commensurate with the proceeding that they are assigned to handle. For example, an attorney appearing at a scheduling conference ordinarily should have the authority to propose and agree to a discovery schedule and any other matters reasonably likely to arise at the conference.

Third, relatively inexperienced attorneys who seek to participate in evidentiary hearings of substantial complexity, such as examining a witness at trial, should be accompanied and supervised by a more experienced attorney, unless leave of Court is granted otherwise.

Judge Lucy H. Koh, Northern District of California

ORDER RE: ASSOCIATES ARGUING DISPOSITIVE MOTIONS (Feb. 10, 2017)

http://nextgenlawyers.com/wp-content/uploads/2017/02/X-One-Inc.-v.-Uber-Technologies-Inc.-Order-Re-Associates-Arguing-Disposi....pdf

> At the January 18, 2017 initial case management conference, the Court and parties had difficulty setting a date for the hearing on dispositive motions because of the schedules of the Court and lead Plaintiff's counsel. The Court thus asked whether lead Plaintiff's counsel's colleague who was also present at the case management conference could argue at the hearing instead. Lead Plaintiff's counsel agreed. Her colleague is an associate who graduated from law school in 2009.
>
> he Court thus encourages Defendant to also allow an associate who graduated from law school in 2009 or later to argue at the dispositive motions hearing in this case. Pursuant to Civil Local Rule 7-1(b), the Court often finds matters appropriate for resolution without oral argument. However, to encourage the parties to give associates opportunities to argue substantive motions, the Court will guarantee a hearing on the dispositive motions if both parties allow associates who graduated from law school in 2009 or later to argue such motions. Defendant shall inform the Court of its position in the next Joint Case Management Statement.

Judge Lucy H. Koh, Northern District of California

GUIDELINES FOR FINAL PRETRIAL CONFERENCE IN JURY TRIALS BEFORE DISTRICT JUDGE LUCY H. KOH (January 04, 2011)

http://www.cand.uscourts.gov/lhkorders

> G. Opportunities for Junior Lawyers
>
> The Court strongly encourages parties to permit less experienced lawyers to examine witnesses at trial and to have an important role at trial. Counsel should be prepared to discuss such opportunities at the Pretrial Conference.

GUIDELINES FOR FINAL PRETRIAL CONFERENCE IN BENCH TRIALS BEFORE DISTRICT JUDGE LUCY H. KOH (January 04, 2011)

http://www.cand.uscourts.gov/lhkorders

> G. Opportunities for Junior Lawyers
>
> The Court strongly encourages parties to permit less experienced lawyers

to examine witnesses at trial and to have an important role at trial. Counsel should be prepared to discuss such opportunities at the Pretrial Conference.

Case Specific Order: *Apple Inc. v. Samsung Electronics Co. Ltd.,* Case No. 11-CV-01846-LHK, ORDER RE: ORAL ARGUMENT AT PRETRIAL CONFERENCE (February 25, 2016)

At the Pretrial Conference on March 3, 2016, the Court will hear oral argument on the following issues:

Samsung's Motion In Limine #1 to Exclude Evidence Or Argument Regarding Samsung's Revenue Or Profit From All Infringing Sales. This issue shall be argued by an attorney 9 or fewer years out of law school.

Samsung's Motion In Limine #2 to Exclude Evidence Of Market Share Based On Products Not At Issue In This Trial. This issue shall be argued by an attorney 5 or fewer years out of law school.

Samsung's Motion In Limine #3 to Exclude Testimony Of Julie Davis As To A Purely Legal Issue. This issue shall be argued by an attorney 7 or fewer years out of law school.

Case Specific Order: *Huynh v. Karasz*, Case No. 14-CV-02367-LHK, ORDER REGARDING QUESTIONS FOR SUMMARY JUDGMENT HEARING (May 10, 2016)

Plaintiffs' counsel has stated that two junior attorneys a first year and second year associate will argue at the May 12, 2016 motions hearing. In the interest of providing junior attorneys from both sides an opportunity for argument, the Court encourages Defendants to identify junior attorneys to argue at the motions hearing. However, after reviewing Defendants' counsel website, the Court acknowledges that finding a first or second year associate to argue may not be feasible and that it may be necessary for Defendants' counsel to be represented by a more experienced associate.

Issued in response to: *Huynh v. Karasz*, Case No. 14-CV-02367-LHK, PLAINTIFFS' NOTICE OF ARGUMENT BY JUNIOR ATTORNEYS (April 13, 2016)

On May 12, 2016 at 1:30 p.m., this court has scheduled argument on the parties' cross motions for summary judgment. As a number of courts have recognized "in today's practice of law, fewer cases go to trial and there are generally fewer speaking opportunities in court, particularly for young

lawyers (i.e., lawyers practicing for less than seven years)." See, e.g., Secured Structures, LLC v. Alarm Security Group, LLC, Order, Civ. Act. No. 6:14-CV-930 (E.D. Tex., Mitchell, J., Jan. 22, 2016); http://chipsnetwork.org/wp-content/uploads/2016/02/Judicial-Orders-re-Next-Gen-3-9-16.pdf; www.nextgenlawyers.com (judicial orders).

A number of courts "strongly encourage[] the parties to be mindful of opportunities for young lawyers to argue in front of the Court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response." See, e.g., id.

This Court has likewise encouraged parties to "permit less experienced lawyers" to have stand-up opportunities. See, e.g., Guidelines for Final Pretrial Conference in Bench Trials Before District Judge Lucy H. Koh ¶ G (Jan. 3, 2011); Guidelines for Final Pretrial Conference in Jury Trials Before District Judge Lucy H. Koh ¶ G (Jan. 3, 2011).

Plaintiffs respectfully notify the Court that they intend to have first year associate Holly K. Victorson and second year associate Emily Petersen Garff argue the upcoming summary judgment motions. Ms. Victorson and Ms. Garff were the primary drafters of Plaintiffs' briefing, and were involved in taking much of the discovery Plaintiffs relied upon in their motion. Given the gravity of the issue before this Court, Plaintiffs respectfully request that more experienced counsel be able to assist in the argument should the need arise.

Judge Barbara M. G. Lynn, **Northern District of Texas**

Judge Lynn makes the following part of her standard patent scheduling order:

11. The Court is aware of a trend today in which fewer cases go to trial, and in which there are generally fewer speaking or "stand-up" opportunities in court, particularly for young lawyers (i.e., lawyers practicing for less than seven years). The Court strongly encourages litigants to be mindful of opportunities for young lawyers to conduct hearings before the Court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response. In those instances where the Court is inclined to rule on the papers, a representation that the argument would be handled by a young lawyer will weigh in favor of holding a hearing. The Court understands that there may be circumstances where having a young lawyer handle a hearing might not be appropriate – such as where no young lawyers were involved in drafting the motion, or where the motion might be dispositive in a "bet-the-company" type case. Even so, the Court believes it is crucial to provide substantive speaking opportunities to young lawyers, and that the benefits of doing so will accrue to young

lawyers, to clients, and to the profession generally. Thus, the Court encourages all lawyers practicing before it to keep this goal in mind.

Judge Leigh Martin May, **Northern District of Georgia**

http://www.gand.uscourts.gov/sites/default/files/CVStandingOrderLMM.pdf

STANDING ORDER REGARDING CIVIL LITIGATION

III(m). Requests for Oral Argument on Motions

In accordance with Local Rule 7.1(E), motions are usually decided without oral argument, but the Court will consider any request for hearing. If oral argument is requested, the party or parties should specify the particular reasons argument may be helpful to the Court and what issues will be the focus of the proposed argument. Moreover, the Court shall grant a request for oral argument on a contested substantive motion if the request states that a lawyer of less than five years out of law school will conduct the oral argument (or at least a large majority), it being the Court's belief that new lawyers need more opportunities for Court appearances than they usually receive.

Judge Gary H. Miller, Southern District of Texas

COURT PROCEDURES (Updated September 16, 2015)

http://www.txs.uscourts.gov/page/judge-millers-procedures

4. Young Lawyers: The court is aware of a trend today in which fewer cases go to trial, and in which there are generally fewer speaking or "stand-up" opportunities in court, particularly for young lawyers (i.e. lawyers practicing for less than seven years). The court strongly encourages litigants to be mindful of opportunities for young lawyers to conduct hearings before the court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response. In those instances where the court is inclined to rule on the papers, a representation that the argument would be handled by a young lawyer will weigh in favor of holding a hearing. The court understands that there may be circumstances where having a young lawyer handle a hearing might not be appropriate-such as where no young lawyers were involved in drafting the motion, or where the motion might be dispositive in a "bet-the-company" type case. Even so, the court believes it is crucial to provide substantive speaking opportunities to young lawyers, and that the benefits of doing so will accrue to young lawyers, to clients, and to the profession generally. Thus, the court encourages all lawyers practicing

before it to keep this goal in mind.

Judge K. Nicole Mitchell, Eastern District of Texas

(Recent Order – January 12, 2016)

> The Court is aware that in today's practice of law, fewer cases go to trial and there are generally fewer speaking opportunities in court, particularly for young lawyers (i.e., lawyers practicing for less than seven years). The Court strongly encourages the parties to be mindful of opportunities for young lawyers to argue in front of the Court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response.
>
> With that in mind, the Court has currently set the *Markman* hearing in this case for the morning of January 12, 2016. To the extent that any party planned to submit any of the disputed terms on the papers alone, the Court will grant additional time to argue those terms, if they are argued by an attorney with seven or fewer years of experience.

Judge Kimberly J. Mueller, Eastern District of California

STANDING ORDERS

http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/5020/standing-orders/

CIVIL LAW AND MOTION

> **Young Attorneys:** The court values the importance of training young attorneys. If a written request for oral argument is filed before a hearing, stating an attorney of four or fewer years out of law school will argue the oral argument, then the court will hold the hearing. Otherwise, the court may find it appropriate in some actions to submit a motion without oral argument.

TRIALS

> Given the value the court places on training young attorneys, the court encourages lead counsel to permit a young attorney to examine witnesses at trial and to have a role in the trial.

Judge Robert Pitman, Western District of Texas

STANDING ORDER (January 30, 2017)

http://www.fr.com/wp-content/uploads/2017/01/2017-01-30-D73-Order-Granting-Pltf-Mot-for-Attys-Fees.pdf

> Second, Defendants are critical of the time Mr. Darby spent preparing for the evidentiary hearing as excessive. However, Mr. Darby was the only associate working on the matter and likely the most familiar with the facts of the case and the evidence to be presented at the evidentiary hearing. In addition, he prepared a twenty-page slide presentation for the hearing and delivered an opening statement that was on par with some of the strongest oral advocates that come before the Court. Thus, the Court concludes that the time he expended—approximately forty-three hours—for a hearing that Plaintiff likely understood could be dispositive of their claims was reasonable.

Judge Dennis F. Saylor, District of Massachusetts

STANDING ORDER RE: COURTROOM OPPORTUNITIES FOR RELATIVELY INEXPERIENCED ATTORNEYS (November 2, 2006)

http://www.mad.uscourts.gov/boston/pdf/saylor/StandingOrderReCourtroomOppor_Bostonupdate.pdf

> Courtroom opportunities for relatively inexperienced attorneys, particularly those who practice at larger firms, have declined precipitously across the nation in recent years. That decline is due to a variety of factors, but has been exacerbated by the proliferation of rules and orders requiring the appearance of “lead” counsel in many court proceedings.
>
> In an effort to counter that trend, the undersigned District Judge and Magistrate Judge, as a matter of policy, strongly encourage the participation of relatively inexperienced attorneys in all court proceedings. Such attorneys may handle not only relatively routine matters (such as scheduling conferences or discovery motions), but may also handle, where appropriate, more complex matters (such as motions for summary judgment or the examination of witnesses at trial). The following cautions, however, shall apply.
>
> First, even relatively inexperienced attorneys will be held to the highest professional standards with regard to any matter as to which experience is largely irrelevant. In particular, all attorneys appearing in court are expected to be appropriately prepared, regardless of experience. For example, any attorney who is arguing a motion for summary judgment is expected to be thoroughly familiar with the factual record and the

applicable law.

Second, all attorneys appearing in court should have a degree of authority commensurate with the proceeding that they are assigned to handle. For example, an attorney appearing at a scheduling conference ordinarily should have the authority to propose and agree to a discovery schedule and any other matters reasonably likely to arise at the conference.

Third, relatively inexperienced attorneys who seek to participate in evidentiary hearings of substantial complexity, such as examining a witness at trial, should be accompanied and supervised by a more experienced attorney, unless leave of Court is granted otherwise.

Judge Indira Talwani, District of Massachusetts

STANDING ORDER REGARDING COURTROOM OPPPORTUNITIES FOR RELATIVELY INEXPERIENCED ATTORNEYS (October 9, 2005)

http://www.mad.uscourts.gov/boston/pdf/talwani/Standing%20Order%20Young%20Attorneys.pdf

Judges F. Dennis Saylor, Denise Casper, and Timothy Hillman have adopted standing orders strongly encouraging the participation of relatively inexperienced and young attorneys in all court proceedings. Judge Casper noted that the "decline in courtroom opportunities for newer lawyers is widely recognized and is one of concern to both the bench and bar."

Recognizing the importance of the development of future generations of practitioners through courtroom opportunities, the undersigned judge, as a matter of policy, strongly encourages the participation of relatively inexperienced attorneys in all court proceedings including but not limited to initial scheduling conferences, status conferences, hearings on discovery motions and dispositive motions, and examination of witnesses at trial.

The following admonitions regarding professionalism, authority, and supervision apply:

First, all attorneys appearing in this court, including those who are relatively experienced, will be held to the highest professional standards. These attorneys must be prepared and knowledgeable about the case and applicable law.

Second, all attorneys appearing in court should have a degree of authority commensurate with the proceeding. For example, an attorney

appearing at a scheduling conference ordinarily should have the authority to propose and agree to a discovery schedule and any other matters reasonably likely to arise at the conference.

Third, relatively inexperienced attorneys who seek to participate in evidentiary hearings of substantial complexity, such as examining a witness at trial, should be accompanied and supervised by a more experienced attorney unless the court gives leave to do otherwise.

The undersigned judge hopes that counsel join the court in effectuating this important policy. Counsel may seek additional guidance from the court in particular cases concerning the scope and application of this policy.

Judge Jon S. Tigar, Northern District of California

STANDING ORDER FOR CIVIL JURY TRIALS BEFORE DISTRICT JUDGE JON S. TIGAR (November 11, 2016)

http://www.cand.uscourts.gov/jstorders

12. Opportunities for Junior Lawyers The Court strongly encourages the parties to permit junior lawyers to examine witnesses at trial and to have an important role at trial.

STANDING ORDER FOR CIVIL BENCH TRIALS BEFORE DISTRICT JUDGE JON S. TIGAR (November 21, 2016)

13. Opportunities for Junior Lawyers The Court strongly encourages the parties to permit junior lawyers to examine witnesses at trial and to have an important role at trial.