

Statement Regarding Courtroom Opportunities for Newer Lawyers

Robert J. Colville, United States District Judge

Recognizing that courtroom opportunities for relatively new attorneys, particularly those who practice at larger firms or in more complex areas of the law, can be hard to come by, I note that I encourage the active participation of such attorneys in all court proceedings. Based upon my experience, I am confident that these newer lawyers are capable of effectively handling not only relatively routine matters (such as discovery motions), but also more complex matters (such as motions for summary judgment, evidentiary hearings, or the examination of witnesses at trial).

In an effort to increase advocacy opportunities for newer lawyers, I will relax the usual requirement that only a single lawyer may present an argument, and I will allow a more experienced lawyer to “back up” or assist a newer lawyer in the examination of witnesses, so long as doing so will not unduly prolong the proceeding, not prejudice the opposing party, and not result in undue “double dipping.” Newer lawyers who intend to actively participate in evidentiary hearings, including examining a witness at trial, should be accompanied and supervised by a more experienced attorney. The Court will regulate the proceedings to make sure that all sides are treated fairly and with respect.

Of course, all lawyers are expected to meet the high professional standards emblematic of our Court. Attorneys appearing in court are expected to be appropriately prepared, regardless of their level of experience. For example, an attorney presenting argument on a motion for summary judgment is expected to be thoroughly familiar with the factual record and the applicable law. In short, all lawyers should be appropriately prepared prior to appearing in court.

I would ask that all attorneys appearing in court 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 must have the full authority to propose and agree to a discovery or trial schedule and any other matters reasonably likely to arise at the conference, to address and argue any then-pending motion, and to discuss the status of any settlement discussions.

I intend to implement this approach beginning immediately in June of 2024, and note that my colleague, Chief United States District Judge Mark R. Hornak, has utilized this approach for more than five years, and notes in his Statement Regarding Courtroom Opportunities for Newer Lawyers that he has been uniformly impressed with exceptional in-court presentations by newer lawyers. I encourage our more experienced lawyers to engage their newer colleagues in advocacy opportunities in our Court, as I believe that they will be inspired and energized by doing so.

Counsel are encouraged and welcomed to seek additional guidance from the Court as appropriate concerning the scope or application of this statement in particular cases.

/s/Robert J. Colville

Robert J. Colville
United States District Judge

Dated: June 21, 2024