

Standing Order Regarding Courtroom Opportunities for Newer Attorneys

The Court recognizes a growing trend in which fewer cases go to trial and there generally are few opportunities for attorneys to speak in court. This is especially true for newer attorneys, that is, attorneys practicing for less than seven years (“Newer Attorney(s)”). Opportunities for Newer Attorneys to speak in federal court are rare. Accordingly, the Court strongly encourages litigants to be mindful of opportunities for Newer Attorneys to conduct oral argument, particularly where a Newer Attorney drafted or contributed significantly to a motion or response. The Court believes that all attorneys share the responsibility to assist in providing substantive experience to the next generation of lawyers and that the benefits of doing so accrue to Newer Attorneys, clients, and the profession generally. The Court strongly encourages all parties to keep this goal in mind.

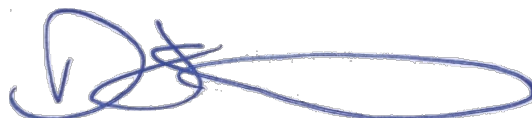
Recognizing the importance of developing future generations of practitioners through courtroom opportunities, the Court adopts the following procedures for oral argument on motions:

1. If a party would like a Newer Attorney to argue a motion, after the motion is ripe, the party should contact the courtroom deputy to request oral argument and inform the deputy that a Newer Attorney will argue the motion or a portion of the motion.
2. If such a request is made, the Court will:
 - a. Grant the request for oral argument, if it is practicable to do so, even if the Court ordinarily would not permit oral argument on the motion. Where the Court is inclined to rule on the briefs, a representation that the argument would be handled by a Newer Attorney will weigh in favor of holding a hearing.
 - b. Strongly consider allocating additional time for oral argument beyond what the Court otherwise may have allocated were a Newer Attorney not arguing.
 - c. Permit more experienced counsel of record to speak on the motion as well, where appropriate, during oral argument.
 - d. Notify opposing counsel if such a request is granted and ask opposing counsel to reciprocate by permitting a Newer Attorney to make its argument.

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

The Court recognizes that there may be circumstances in which it is not appropriate for a Newer Attorney to argue a motion. The Court draws no inference from a party’s decision not to have a Newer Attorney argue a motion before the Court. The Court also draws no inference regarding 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.

SIGNED on September 2, 2021.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE