

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In the Matter of:

Misc. No. 19-440 (RAM)

**Courtroom Opportunities for Relatively
Inexperienced Attorneys in Civil Cases Before Judge
Raúl M. Arias-Marxuach**

STANDING ORDER¹

Since May 2005, several U.S. District Court Judges nationwide have adopted standing orders advocating for the participation of relatively inexperienced attorneys in all courtroom proceedings. These Orders arose out of a concern that courtroom opportunities for inexperienced attorneys, particularly those who practice at larger firms, have decreased significantly in recent years. This is also due to the decrease in civil trials across all U.S. District Courts.² Recognizing the importance of the advancement of future generations of practitioners, with this Order the undersigned judge strongly encourages the participation of relatively inexperienced attorneys in courtroom proceedings. For purposes of this Order, the term “relatively inexperienced” means attorneys with four (4) years of experience or less. These include, but are not limited to, status conferences, scheduling conferences, examinations of witnesses at trial and hearings on discovery motions.

¹ This Standing Order has been adapted from Hon. Indira Talwani and Hon. Leo T. Sorokin’s *Standing Orders* (U.S. District Court for the district of Massachusetts), issued on May 3, 2017 and March 15, 2017, respectively, addressing the same matter. The Court also adapted portions of this Order from Hon. William Alsup’s (U.S. District Court for the Northern District of California) *Supplemental Order to Order Setting Initial Case Management Conference in Civil Cases Before Judge William Alsup*, last revised on February 12, 2018, and from Chief District Court Judge Hon. Barbara M. G. Lynn’s (U.S. District Court for the Northern District of Texas) *Case Management Procedures*.

² See U.S. DISTRICT COURT, TABLE C-4, U.S. COURTS – CIVIL CASES TERMINATED, BY NATURE OF SUIT AND ACTION TAKEN, DURING THE 12-MONTH PERIOD ENDING JUNE 30, 2019, <https://www.uscourts.gov/statistics/table/c-4/statistical-tables-federal-judiciary/2019/06/30>. Table C-4 explains that within the referenced period, only seven percent (7%) of civil cases reached trial.

The Court therefore encourages parties and senior attorneys to allow relatively inexperienced practitioners the opportunity to argue in court. While the Court often rules on the papers, if a written request is filed by any side before a ruling stating that a lawyer of four (4) or fewer years of experience will be arguing the cause, the Court will be more inclined to entertain the request for oral argument. Moreover, the relatively inexperienced attorneys will be granted additional time to argue their motions.

The Court notes that not all circumstances warrant having a relatively inexperienced lawyer handle a hearing — such as where none were involved in drafting the motion related to the hearing, or where the motion might be dispositive in a high-stakes case. However, in all other circumstances, the Court believes it is vital to provide speaking opportunities to relatively inexperienced lawyers.

Notwithstanding the inexperience of some lawyers, professionalism and civility is the rule and not the exception. Therefore, the following caveats regarding supervision, professional standards and authority shall apply:

First, Counsel, regardless of experience, are expected to appear on time for all proceedings.

Second, even relatively inexperienced attorneys will be held to the highest professional standards. All attorneys appearing before this Court are expected to be appropriately prepared. For example, any attorney who is arguing a motion is expected to be thoroughly familiar with the factual record and the applicable law of the same.

Third, all attorneys appearing before this Court should have a degree of authority proportionate 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.

Fourth, 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.

Counsel are encouraged to seek additional guidance from the Court in pertinent cases regarding the scope and application of this Order. The undersigned judge hopes that counsel will join in efforts to implement this Order.

The Clerk of the Court is ordered to notify this Standing Order to all members of the bar of this Court and include it as a Standing Order on the Court's website immediately.

IT IS SO ORDERED.

In San Juan, Puerto Rico this 16th of December 2019.

s/Raúl M. Arias-Marxuach
RAÚL M. ARIAS-MARXUACH
UNITED STATES DISTRICT JUDGE