IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

:

STANDING ORDER ENCOURAGING OPPORTUNITIES FOR NEWER ATTORNEYS.

Chief Judge Algenon L. Marbley

:

ORDER

This Court issues this Standing Order to encourage greater opportunities for participation at oral argument, hearings, and trial for less-experienced attorneys. The volume of civil cases that go to trial has been on the decline for several decades, and civil motions are likewise often decided without a hearing. Younger attorneys are receiving fewer opportunities than ever to argue motions, question witnesses, or address the court. This is often true even when younger attorneys contributed substantially to the preparation for the matter under consideration. But the federal courts have a responsibility to teach and to nurture the next generation of lawyers.

In an effort to combat the decline in "stand-up" opportunities for less-experienced lawyers, many federal district courts and judges have adopted policies intended to remedy this problem, including Judge Sarah D. Morrison of this Court.² I now do likewise:

- 1. This Standing Order applies to all civil cases on my docket.
- 2. After a civil motion is fully briefed, any party may file a Notice on the docket requesting oral argument on the motion and representing that, if oral argument is granted, a newer attorney will argue the motion or a portion of the motion. I will not entertain opposition briefing.
- 3. A newer or less-experienced attorney is one who has graduated from law school within the past six (6) years.

¹ See Graham K. Bryant & Kristopher R. McClellan, *The Disappearing Civil Trial: Implications for the Future of Law Practice*, 30 REGENT U.L. REV. 287, 293 fig.1 (2018) (showing the decline in civil trials in federal district courts from a high of over 12,000 in 1985 to less than 3,000 in 2016).

² See Hon. Sarah D. Morrison, U.S. District Court for the Southern District of Ohio, Standing Order Re: Civil Cases (adopted Oct. 18, 2019), available at: https://perma.cc/Q79Q-3JM3; see also Hon. Kimberly A. Jolson, *The Power of Suggestion: Can a Judicial Standing Order Disrupt a Norm?*, 89 U. CIN. L. REV. 455, 475 n.81 (2021) (collecting examples).

4. The Court will grant the request if it is practicable to do so. If the request is granted, the argument will be scheduled on an expedited basis, thus advancing the resolution of the underlying motion. Experienced counsel is permitted to assist and/or accompany the newer attorney during oral argument. Opposing counsel need not put forward a newer or less-experienced attorney to argue in opposition, though such practice is encouraged.

5. The Court will draw no inferences from a party's decision not to have a newer attorney argue a motion—about the party, its position, the importance or merits of the motion, etc. Nor should this Order be interpreted to require newer attorneys argue motions before this Court.

6. The Court expects all attorneys who appear before it, whether she has years of experience or is new to the practice of law, to meet the highest professional standards. All attorneys are expected to be prepared adequately and familiar with the relevant factual background and applicable law and to advocate zealously for their clients. Similarly, all attorneys are expected to possess authority commensurate with the proceeding they are assigned to handle.

7. Lastly, the Court strongly encourages the participation of newer attorneys in all court proceedings, not just arguments on civil motions, including *inter alia* at pretrial conferences and during trial.

IT IS SO ORDERED.

ALGENON L. MARBLEY

CHIEF UNITED STATES DISTRICT JUDGE

DATE: September 19, 2023