

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STANDING ORDER REGARDING COURTROOM OPPORTUNITIES
FOR RELATIVELY INEXPERIENCED ATTORNEYS

December 15, 2021

Boal, M.J.

Courtroom opportunities for relatively inexperienced attorneys, particularly those who practice at larger firms, have declined precipitously. In 2005, Judge Saylor issued a standing order governing practice in his session which remains in effect and specifically encourages participation of relatively inexperienced attorneys in all court proceedings. Judges Casper, Hillman, Sorokin, and Talwani each have followed suit, issuing standing orders modeled on Judge Saylor's Order. Recognizing the importance of the development of future generations of practitioners through courtroom opportunities, I now join my colleagues.

I strongly encourage the participation of relatively inexperienced attorneys in all court proceedings, including initial scheduling conferences, status conferences, hearings on discovery as well as dispositive motions, and examination of witnesses at evidentiary hearings and trials. In addition, I strongly encourage the participation in court of the attorney who wrote the substantial majority of the papers giving rise to the proceedings before the Court. The following cautions regarding professionalism, authority, and supervision shall apply.

First, all attorneys appearing in this Court, including those who are relatively inexperienced, will be held to the highest professional standards. In particular, all attorneys appearing in court, regardless of experience, 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 applicable law pertinent to that motion.

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.

Counsel are encouraged to seek additional guidance from the Court in particular cases concerning the scope or application of this policy.

SO ORDERED.

/s/ Jennifer C. Boal
JENNIFER C. BOAL
U.S. MAGISTRATE JUDGE