



April 19, 2016
Judges' Night "Speed Dating" Questions

Round 1

1. Having been on the bench, what do you know now that you wished you had known as a practicing attorney?
2. What specific courses, other than the required ones, would you advise law students to take to better prepare for their career?
3. Identify the one federal or state court judge, living or dead, whom you admire the most and explain why?
4. Why should a lawyer leave private practice to become a judge? Isn't the pay less? Are the benefits that much better? What prevents a judge from just "taking it easy" on the bench?
5. For state court judges – Are you bothered by having to raise money for your election? Do you think that it creates an appearance of impropriety when a donor appears before you? Do you think that common citizen is aware of and/or bothered by that?
6. What do you do for enjoyment and/or relaxation in your spare time?

Round 2

7. Do you believe civility in the local bar has improved, deteriorated or stayed the same over the past ten years?
8. Do you notice any patterns of conflicts between opposing counsel who are of different genders, ages or races? Does the degree of civility change when out-of-town counsel are involved?
9. Have you ever written an opinion that criticized an argument, an attorney, or a trial court judge in a manner that you later regretted as too harsh?
10. What changes in the legal profession concern you the most?

Round 3

11. What role, if any, do you play in encouraging settlement or participating in settlement conferences? What advice should attorneys share with clients to prepare them for settlement?
12. When do you prefer to have the parties engage in mediation (e.g., early on, after discovery, after summary judgment denied)?
13. How do you prefer to handle TROs/injunctions? Pet peeves?
14. If you have a law clerk(s), how do you make use of him/her/them?

Round 4

15. What are your jury trial procedures? How do you handle voir dire (e.g., let attorneys ask questions, set time limits, etc.)? How handle objections (e.g., side bar, open court, etc.)?
16. What are the biggest mistakes you have seen attorneys make in voir dire? What would you consider to be some of the best practices?
17. In a recent article, Judge Posner from the U.S. Court of Appeals for the Seventh Circuit, criticized pattern jury instructions saying that, because they are draft in legal language, they are “largely unintelligible to jurors.” Do you agree with that statement? If so, what should be done to rectify the problem?
18. Do you encourage attorneys in civil cases to file their own proposed jury instructions? If so, what common mistakes do you see? Do you think drafting proposed jury instructions helps the attorney better prepare for trial?

Round 5

19. What is your preference concerning the length of briefs/motions? What if the plaintiff has 7 plus different claims?
20. Any advice on the submission, and response to, dispositive motions? What makes a brief most persuasive? What are common mistakes and/or oversights in submissions that detract from their persuasiveness?
21. What are some of the most common evidentiary mistakes attorneys make during motion practice?

Round 6

22. What “best practices” do you use to improve the legal process and its efficiency?
23. What things can lawyers do to improve the legal process and its efficiency?
24. What effect do state or federal case disposition guidelines have on your position on motions for continuances, length of briefs, etc.?
25. What factors do you consider when presented with a motion for continuance or modification of the case schedule?
26. Without naming names, what are the most impressive and most embarrassing actions you have seen by attorneys in your courtroom?

Round 7

27. How often are you involved in discovery disputes? How do you prefer to resolve them: conference call or motion? How much “meet and confer” must take place before a party files a motion to compel? Under what circumstances would you order attorney’s fees when you grant a motion to compel?
28. Do you believe parties go overboard with electronic discovery? Have you ruled, in a particular case, that the burden of expense of proposed e-discovery outweighs its likely benefit? How often has that happened? What was the “tipping point”?
29. Are you more likely to limit e-discovery in certain types of cases? Which ones? Any suggestions on how parties can reduce discovery expenses? Has the expanded use of e-discovery resulted in more motions to compel?
30. What do you think of the December 2015 modifications to the Federal Rules of Civil Procedure? Have you noticed any changes in the way attorneys approach discovery? Have you seen any impact on discovery disputes?

Round 8

31. Do current events and/or media attention ever have any bearing on the scheduling of cases in your court?
32. What effect, if any, do you think that current events have on juries? How do you control jurors’ use of smart phones and the internet during a trial (e.g., research topics, comments about the trial, mindless texting and surfing)?
33. What is the most exciting thing happening in law today?
34. How would you complete this phrase – I wish attorneys would ask me about _____.

Round 9

35. What do you wish lawyers were doing to prepare their clients to go to court that they are not doing now?
36. What advice do you have for an attorney who is faced with a *pro se* opponent?
37. In a recent article, Judge Posner of the Seventh Circuit stated that the lawyers in a case often differ greatly in quality and that distorts the adversary process. Do you agree with that statement? Why or why not?
38. Do advocates overuse technology in the courtroom during trial? Can counsel put on an effective case without using trial technology?

Round 10

39. Recognizing that judges are people too, and have bad days like everyone else, how can an attorney discern when you are having a bad day, and what approach should the attorney take in that situation, or what is the one thing the attorney should avoid doing?
40. On occasion, lawyers in court have suspected that a judge has a substance abuse problem and have been reluctant to raise the issue for fear of retaliation or being ostracized. Have you ever thought that one of your colleagues has a problem? If so, what steps did you take to encourage your colleague to seek treatment?