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## Pennsylvania's Trial Judges Push for More Courtroom Involvement From Junior Litigators



The Pennsylvania Conference of State Trial Judges unanimously adopted a resolution last week laying out the ways judges can create opportunities for rising litigators to get more hands-on experience.



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Judges



Aleeza Furman

Litigation Reporter



- The Pennsylvania Conference of State Trial Judges unanimously adopted a resolution laying out the ways judges can create opportunities for rising litigators to get more courtroom experience.
- The resolution is part of an ongoing effort to train less experienced trial lawyers that has already gained traction among the bar.
- The project's backers said the bench's involvement is a major step toward getting more lawyers on board.

Pennsylvania's judges want to see junior lawyers doing more in their courtrooms.

And they're hoping to encourage change from the bench.

The Pennsylvania Conference of State Trial Judges unanimously adopted a [resolution](#) last week laying out how judges can create opportunities for rising litigators to get more hands-on experience.

The resolution establishes the bench's support for an [ongoing initiative](#) to train less experienced trial lawyers that's already been [gaining traction](#) in the Pennsylvania bar. The project's backers say the bench's official support is a major part of effecting change.

Justice Christine Donohue, who spearheaded the initiative, said, "It's a huge deal." Without judges making space in their courtrooms for inexperienced lawyers, Donohue said, the project can only get so far.

Project Litigate—an acronym for Lawyers Initiative to Improve Next Gen Attorneys' Trial Experience—established a series of guidelines law firms can follow to give their junior lawyers more courtroom responsibilities. Its ultimate aim is for law firms to pledge their commitment to the initiative.

Similarly, the PCSTJ resolution lays out a short list of best practices judges can use to foster the development of rising civil trial lawyers.

The PCSTJ resolution begins by noting, "the precipitous decline in the number of cases going to jury trials has resulted in a significant delay for aspiring trial attorneys to develop skills in courtroom advocacy."

President Judge Carolyn Carluccio of the Montgomery County Court of Common Pleas, the PCSTJ's newly appointed president, said lawyers, judges and clients alike benefit in the long run from getting less experienced lawyers up to speed.

"We've all learned the way you become a great litigator is to actually litigate," she said. "It's a tool for education. You learn best by doing."

The resolution's first suggestion on the list is simply that judges make clear to lawyers that they don't want to see only lead counsel participating in a case.

"That might sound like a little thing," Donohue said. "But one of the biggest goals of what we're doing is to have lawyers and judges keep in the front of their mind the fact that we have to make room for less experienced lawyers."

Donohue said the most important step toward fixing the issue is making sure law firms are aware of it and making conscious efforts to do something about it.

"I don't think the problem that we have is intentional," she said. "It's just one of those things that happens."

The best practices also include specific guidelines, such as encouraging junior attorneys to present oral arguments on motions and allowing oral arguments on motions that judges would typically consider based on written filings.

Another suggestion is that judges provide lead counsel with the chance to ask witnesses additional questions when second-chair attorneys conduct examinations.

That particular practice is something Administrative Judge Christine Ward of the Allegheny County Court of Common Pleas has been using for several years. Ward said it provides law firms with a way to overcome one of the biggest obstacles keeping them from placing junior lawyers in more active roles—client buy-in.

Ward, who was president of the PCSTJ at the time of the resolution's passage, said allowing follow-up questions gives junior lawyers a chance to develop their examination skills while tempering lead attorneys' concerns that their co-counsel might miss something.

"The idea of that was to allow the first-chair lawyer to convince their client that there was no downside," Ward said.

Like the lawyers' side of Project Litigate, the best practices for judges are not mandatory. But Ward said she expects to see widespread adoption from members of the bench given how much support the initiative has already amassed.

As for what that means for law firms, Ward said, "If they bring into the courtroom four lawyers and the lead lawyer does everything, they can expect maybe the judge to be disappointed that they're not making an effort to develop their newer

lawyers."

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