

## RESOLUTION



**WHEREAS**, 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.

**WHEREAS**, Supreme Court Justice Christine Donohue has initiated an effort to shed light on the issue of new lawyers lacking trial and courtroom experience;

**WHEREAS**, as part of that effort Justice Donohue requested a well-known and accomplished trial attorney, John Gismondi, to Chair a statewide committee to develop a program to raise awareness of the issue and to enlist lawyers and law firms to commit to solving the problem. The assembled committee included representatives of the Pennsylvania Bar Association, the Pennsylvania Defense Institute, The Pennsylvania Association for Justice, the Pennsylvania Association of Defense Counsel, the Philadelphia Trial Lawyers Association, the Academy of Trial Lawyers of Allegheny County and the American College of Trial Lawyers. Mr. Gismondi emphasized to his committee the bar's obligation to provide the public with enough adequately trained courtroom attorneys to serve their needs.

**WHEREAS**, the committee developed Project LITIGATE - Lawyers Initiative to Improve Next Gen Attorneys Trial Experience - which encourages law firms to give newer attorneys an opportunity to participate in every stage of the trial preparation process and in the court proceedings.

**WHEREAS**, the Project LITIGATE committee developed a background narrative explaining their work and a list of recommendations embodied in the LITIGATE Pledge (both of which are attached hereto). The committee is encouraging firms to sign on and Take the PLEDGE.

**WHEREAS**, the PCSTJ also recognizes the need to improve training and experience of aspiring trial lawyers and the role the bench can play in this effort. The PCSTJ convened an ad hoc task force of judges from across the state to develop best practices which encourage and increase opportunities for newer lawyers to participate in court proceedings in general and jury trials in particular (those best practices are attached hereto).

**NOW THEREFORE BE IT RESOLVED**, that the PCSTJ hereby endorses and supports the efforts of Project LITIGATE and encourages law firms to Take the Pledge. Be it also resolved that the PCSTJ encourages our members to adopt the best practices recommended by our task force.

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Christine A. Ward  
President, PCSTJ

## Best Practices to Foster the Development of the Next Generation of Civil Jury Trial Lawyers

Trial judges have the ability to create opportunities for less experienced lawyers to participate in civil jury trials, and in the process, to ensure that the public will have continued access to properly trained trial attorneys. The following practices are recognized as ways to create those opportunities.

Express support for the active participation of less experienced lawyers whose appearances have been entered in a pending matter.

During pre-trial conferences, inquire about the intended role of second and third chair attorneys and invite lead counsel to assign them responsibility for defined roles in the trial of the case including questioning of witnesses.

Where appropriate and within reasonable parameters, provide lead counsel with assurance that if a junior attorney is assigned responsibility for questioning a witness, the lead counsel will be given the opportunity to finish the examination by asking additional, noncumulative questions.

For motions practice where oral argument is typically scheduled, encourage lead counsel to permit a junior attorney to present the argument, and for motions typically decided without argument, consider allowing oral argument on condition that such argument will be presented by a junior attorney.

Help identify unique opportunities for the participation of less experienced attorneys that may arise during the course of litigation. For example, raise the possibility of a less experienced attorney serving as lead counsel for an indemnified settling defendant when the plaintiff's case proceeds to trial against the other nonsettled defendants.

Work collaboratively with local bar associations and other legal organizations to continue to develop and refine these best practices to foster the development of new trial lawyers.

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