

The Benefits to New Lawyers of Practicing Before Magistrate Judges

Practitioners of all levels derive several benefits from practicing before Magistrate Judges. For new lawyers, however, the benefits are amplified. For example, new lawyers are often assigned to handle discovery aspects of a case. Magistrate Judges, in referral and consent cases, frequently handle all discovery issues in cases to which they are assigned, and thus have become particularly skilled and experienced in addressing e-discovery issues. New lawyers can benefit from this skill and experience when presenting, or opposing, discovery motions in cases on which they are working.

New lawyers can also benefit from the increased flexibility in scheduling that many Magistrate Judges can offer. They have more flexible court calendars than District Judges because, while Magistrate Judges address pretrial issues in criminal cases, they do not preside over criminal felony trials, which are often time consuming and proceed under strict statutory time standards. Accordingly, Magistrate Judges may be able to offer more certainty and flexibility with scheduling in civil cases. This increases the chances that new lawyers will have an opportunity to appear in federal court without the hearing being postponed or rescheduled due to unexpected and unavoidable issues in criminal cases.

The availability of Magistrate Judge jurisdiction can also provide valuable opportunities for new lawyers to gain trial experience. It is not uncommon for civil rights and employment cases—in which one party is *pro se*—to be included on the dockets of Magistrate Judges. Given the fact-intensive nature of such cases, to the extent that the cases advance past the dispositive motions stage, they often proceed to trial. If new lawyers can identify such cases, they may be able to gain valuable trial experience by representing the *pro se* party on a *pro bono* basis for the purposes of trial. Taking on this role benefits everyone involved in the process: the client gets professional representation; the new lawyer gains valuable trial experience; and the court and opposing counsel have an eager professional involved. Moreover, given that appeals in consent cases go directly to the circuit court for the jurisdiction in which the case is pending, new lawyers may also be able to gain appellate experience.

Court-based mediation programs can also provide new lawyers



with significant advocacy experience. In some jurisdictions, Magistrate Judges cover the mediations conducted through the district court's alternative dispute resolution (ADR) program. New lawyers can gain valuable advocacy experience by presenting cases to Magistrate Judges at such mediations. In addition, senior lawyers may be more inclined to permit new lawyers to take the lead on a mediation, as opposed to a trial or substantive motion, because the risk of an unfavorable outcome is minimized and the setting is more controlled. In some jurisdictions, there are programs to assist lawyers of all levels in identifying, and pairing with, *pro se* litigants for the limited purpose of representing the party at a mediation. See, e.g., www.mad.uscourts.gov/general/pdf/a2011/invitation.

The above summary is by no means exhaustive, but is intended to illustrate some of the significant benefits to new lawyers of appearing before Magistrate Judges. ☉

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