



Leading by Listening

BY CHRISTINA M. HABAS

Earlier this year, I had the privilege of attending a very important meeting. The meeting was important because it involved a candid and civil discussion about how judges should best manage cases assigned to them. It was also important because there was no posturing or manipulation. Instead, attendees were dedicated to finding ways to make the civil justice system work, not just for the lawyers or the courts, but also for the people who find themselves embroiled within that system.

There is no need to share the names of the lawyers who attended this meeting, other than to note that there were lawyers who represented

both sides of the bar with significant experience handling civil litigation and with reputations of being utterly ethical and professional in their work.

There is also no need to share the name of the judge who asked for this meeting, other than to note that this was a very experienced judge who was looking for assistance in better managing what is often a very contentious and increasingly time-consuming process.

The single most important part of this meeting was the fact that while the judge certainly had questions for the lawyers, the judge spent the bulk of this meeting listening—just listening.

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meetings to hear the opinions of those sitting on the bench about how lawyers might better present their cases. Frequently, these meetings turn into nothing more than gripe sessions where the judges tell lawyers how incompetent, impractical, and impossible we all are.

I have become increasingly concerned over the last 20 years that the relationship between bench and bar has become strained to the breaking point. The lack of empathy and understanding on both sides as it relates to the challenges faced by the other side is certainly one cause. What better way to address this than to have honest exchanges of information without blame or fault?

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There is at least one other judge who routinely has these types of meetings, where there is listening on both sides and a real effort at candor. This person is the Honorable James Hartmann of Weld County District Court. At this past year's Judicial Conference, I heard Judge Hartmann discuss his practice of inviting lawyers who appear in his court to attend conferences throughout the year to discuss how better to manage cases. While I am unaware of any specific data showing that those meetings have made a difference in the effectiveness of his case management, Judge Hartmann freely discusses improvements that he has made to increase the effective management of his caseload, which in turn assists the lawyers and their clients in reaching resolutions that are acceptable to all concerned.

It would be such a refreshing change to see this practice expand to all courts, and would certainly be a meaningful way to help mend the fracture between bench and bar. I very much appreciated the opportunity to express my views about case management to a judge who truly listened and who I know will take all of the information heard to heart. I also very much appreciated watching good lawyers try to make the civil justice system better.

Isn't that what we all want? **CL**

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