

The Young Lawyer Challenge

Creating the Next Generation of Advocates

BY MATTHEW J. BRODERICK AND DANAÉ WOODY

The Denver Bar Association Young Lawyers Division and the Colorado Bar Association Young Lawyers Division have joined forces this year to address a problem faced by young attorneys throughout our state: a lack of courtroom experience. It's not uncommon for a young attorney to practice law for three, five, or even seven years without ever taking a case to trial. Many young attorneys conduct research, draft briefs, and even outline arguments for motions hearings or appellate arguments. But they are not permitted to take the podium, enter the well, and argue a case. Of course, there are legitimate reasons why a young attorney might not be chosen for a trial. For example, some clients prefer veteran attorneys. But at some point, young attorneys will become the veterans.

To foster the next generation of advocates, the DBA YLD and CBA YLD are asking current veteran lawyers and law firms to get young attorneys into the courtroom. And, if you're a young lawyer or advocate with a successful courtroom story (win or lose), we want to hear about it!

The Problem

Opportunities for young attorneys to gain meaningful courtroom experience are rare. For the last two decades, commentators have been reporting statistics on the decline in jury trials and anticipating the extinction of the trial lawyer.¹ Causes vary, including the expanse and expense of pre-trial discovery, preference for alternative dispute resolution, case disposition through motions practice, and the extended post-trial appeal process.² This trend affects

HOW TO PARTICIPATE

Send your stories of young lawyers taking meaningful action in court to CBA YLD Chair Danaé Woody, danae@woodylawllc.com, or DBA YLD Chair Matthew J. Broderick, mbroderick@grsm.com, for inclusion in an upcoming *Colorado Lawyer*. Please provide the following:

- the name of the young attorney;
- a high-resolution photo of the young attorney;
- the name of the supervising attorney and/or law firm supporting the young attorney; and
- a 50- to 100-word summary of the action taken in court.

Please keep the descriptions general and do not identify the client. The outcome of the dispute is not the focus here.

both civil and criminal matters and is forecast to continue.³

Whether settlement and plea bargains provide better client outcomes than a trial verdict is a topic for another article. But the fact remains that some cases—even if just a fraction of all cases filed—go to trial. And when

they do, clients need advocates who can take a podium, enter the well, and argue a case.

Both the CBA and DBA have members with impressive trial records. Some member biographies report 50 or 100 civil cases tried to verdict. Others display trial results involving serious felonies. However, these attorneys are closer to the end of their careers than the beginning. According to the Colorado Office of Attorney Regulation Counsel's most recent annual report, there are just under 27,000 active attorneys in Colorado.⁴ Almost half are 50 years or older, and about 25% are 60 years or older.⁵ As these attorneys move to inactive status and retire over the next 15 years, they will take with them a wealth of courtroom experience.

The CBA and DBA have young attorneys positioned to step up as our seasoned practitioners move on. About a third of all active attorneys in Colorado can be classified as "young lawyers"⁶ (i.e., under 38 years old or in the first five years of practice). Still, replicating the experience of our current veterans will be difficult. As one commentator suggests, attorneys with less trial experience will be less willing to take cases to trial, creating a cyclical decline in opportunities for courtroom experience.⁷ Careers involving 50 or 100 civil jury trials tried to verdict may no longer be available to the next generation of advocates. As a result, young attorneys need to gain courtroom experience any way they can.

The Good News


Fortunately, many organizations are working to address this problem. For example, the Colorado Attorney Mentoring Program (CAMP) offers a mentoring program specifically geared toward providing young attorneys with trial experience.⁸ And two years ago, the ABA approved a resolution encouraging courts and firms to provide young attorneys with more opportunities for courtroom experience.⁹ Additionally, there has been a surge of mock trial programs within specialty bars and industry groups designed to teach young lawyers important courtroom skills. Even the judiciary is addressing this problem with standing orders promoting courtroom experience for young attorneys.¹⁰ A growing list of such orders can be found online.¹¹

These are commendable efforts, but the best way to get young attorneys into the courtroom is through support from judges and firms. There is good news on this point as well: many firms and judges encourage and support young attorneys in the courtroom. Still, the DBA YLD and CBA YLD want to see a bigger push.

The Challenge

We want to encourage and challenge seasoned practitioners and firms to help young attorneys gain courtroom experience. To accomplish this goal, we want to hear about your young lawyers in action. Whenever you have a young attorney argue a discovery motion, request a restraining order, examine a witness at trial, or undertake any meaningful action in court, let us know. We'll then share this information with members through *Colorado Lawyer*. See the sidebar for submission instructions.

Our objectives are twofold: highlighting the lawyers and firms who are supporting young attorneys, and providing opportunities for young attorneys to demonstrate their value to current and future clients. Because client preference often drives who advocates in the courtroom, young attorneys need as many platforms as possible to demonstrate their ability and willingness to take on responsibility in the courtroom.

These young lawyer stories will appear as they are received in *Colorado Lawyer's* Bar News section. (The first story is on page 58!) We hope to publish at least one story every issue. However, if submissions are scarce, we may only publish these stories a few times a year. We hope you will accept our challenge and flood us with stories of young lawyers in the courtroom. Help us create the next generation of advocates! 



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NOTES

1. See, e.g., Coe, "An Endangered Art: Can the Legal Industry Keep Trial Advocacy Alive?" *Law360* (Mar. 13, 2017), https://civiljuryproject.law.nyu.edu/wp-content/uploads/2015/05/Can-The-Legal-Industry-Keep-Trial-Advocacy-Alive_-Law360.pdf.
2. See *id.*
3. *Id.*
4. Office of Attorney Regulation Counsel, 2018 Annual Report at 29 (2018).
5. See *id.*
6. *Id.* See also DBA YLD Bylaws at ¶ 2.1.
7. See Sullivan, "A Teaching Experience: Judge Peck on Discovery, the Decline of Trials, and More," *In-House—The Logikcull Blog* (June 1, 2017), <https://www.logikcull.com/blog/a-teaching-experience-judge-peck-on-discovery-the-decline-of-trials-and-more>.
8. Colorado Attorney Mentoring Program, Trial Advocacy Mentoring Program, <http://coloradomentoring.org/mentoring-program/trial-attorney>.
9. Kauffman, "ABA Adopts Resolution Supporting Trial Experience for Young Lawyers," *IAALS Blog* (Aug. 17, 2017), <https://iaals.du.edu/blog/aba-adopts-resolution-supporting-trial-experience-young-lawyers>.
10. See Bagger, "How the Judiciary Is Helping Younger Lawyers Close the Experience Gap," *ABA* (Feb. 27, 2018), <https://www.americanbar.org/groups/litigation/committees/commercial-business/practice/2018/how-judiciary-is-helping-younger-lawyers-close-the-experience-gap>.
11. <https://nextgenlawyers.com>.



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