

Gee, It's Good To Be Back Home Again

By Ed Walters

As usual, here I sit in the Atlanta airport. I've been in Chicago for three weeks trying a case under extremely adverse conditions. Tough case. Tough judge. Tough jurisdiction. Circuit Court for Cook County. Two week trial.

But it's over. I'm going home.

The conclusion of every long trial gives us pause for reflection. This one even more so. As I sit here remembering this ordeal and looking forward to going home, I reflect on what it was like to step into another lawyer's shoes - a Cook County Lawyer - and be him for two weeks.

What I learned from the experience is something I want to share and I can sum it up in one phrase:

Lawyers in Baton Rouge Have It Made

When I got home I wanted to go to the steps of the courthouse, kneel down and kiss them.

Here are a few things they have that we don't have that we don't want:

1. Trial starts at 9:30 on Monday. Be there. You don't know who the judge is yet. You arrive to greet the "Assignments Judge" along with about 200 other lawyers whose jury trials are set to go that day. Five page docket. 25 cases per page. We, of course, reside on page 5. Several hours pass as the lawyers who are being "sent out" for trial today whine to the judge about how they are not ready for trial. As judges are wont to do, they climb all over the lawyers for not being ready. Lawyers stand in line and step up in turn to take their medicine. They are learning which excuses work and which don't. We wait. We are ready. They run out of judges for today so we have to come back tomorrow and hope there are enough judges to go around.



2. 9:30 tomorrow. We get a judge. All the lawyers go to his office and at that point he sees the court file for the first time so he can read it. He tells the lawyers that he will entertain motions *in limine* that afternoon. Twelve motions are argued and disposed of within 20 minutes. Kid from out of town loses all motions. Lady lawyer from biggest firm in Chicago wins all motions. Pick the jury tomorrow morning (Wednesday).

3. Like everything else, the jury picking was unusual. Put 4 jurors in box at a time. Plaintiff voir dres jury and then must *immediately* exercise his challenges for cause and peremptory challenges before the defendant asks any questions. Then defendant voir dres and challenges. The plaintiff cannot challenge after the defendant questions the jurors. Then four more are put in the box and the process begins again.

4. Trial starts at 9:30. Lunch at 12:00 to 1:30. Court ends promptly at 4:30 everyday regardless. If trial ends on a Friday and the jury is deliberating at 4:30, everybody comes back on Monday.

5. At the end of every day of trial, the party who introduces a piece of evidence is required to take that piece of evidence with him when he leaves the courthouse for that day and bring it back the next morning, even if they are original documents of an adverse party. The Court does not keep any of the evidence during the trial.

6. The 12 person jury's verdict must be unanimous. We were lucky, ours was.

7. During the trial, none of the evidence is shown to the jury. There's a hearing at the conclusion of the trial at which time the judge decides what the jury gets to see. They don't see much. They can't see anything that is "written". This was a psychiatric malpractice case. The jury could not even read the correspondence between the doctor and his patient because it was "written".

9. At the conclusion of the defendant's case the plaintiff is not allowed to introduce any evidence in rebuttal.

So the next time you are commiserating with your compadres about the goings-on in our courthouses, just reflect on how nice it is to know who the judge is from the day the suit is filed, how nice it is to have a judge who has some familiarity with the case she is about to try, and how nice it is to know that when you have a trial date your case will actually go to trial on that date - all things that we as Baton Rouge lawyers take for granted.

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