

THE ADVOCATE

FROM MY SIDE OF THE BENCH

Judges Talk

by Hon. Randy Wilson

157th District Court,

Harris County, Texas



MOTION PRACTICE



FROM MY SIDE OF THE BENCH

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BY HON. RANDY WILSON

THIS COLUMN WILL BE SHORT AND TO THE POINT.

In the time that I've been a judge, I've been surprised by any number of things. One in particular deserves mention. Judges talk. More important, they talk to each other. I've been impressed with the amount of discussion that takes places between colleagues as we look at motions and cases. But, more to the point, we also talk about lawyers—the good, the bad and ugly.

Since judges can't really discuss cases and issues with friends and other lawyers, we talk to each other. When a particularly knotty issue is presented, we walk across the hall and chat. When we see bizarre arguments in briefs, we share them with others. If a lawyer stretches a point or misconstrues a case, we tell our colleagues. Unethical and sharp tactics are freely discussed with other judges. And, on the flip side, if a lawyer displays extraordinary candor or ingenuity, we're all too happy to brag on that lawyer.

We discuss lawyers by email, messaging services and texts. Scarcely a day passes when I don't see an email talking about a boneheaded argument in a brief. If a lawyer asks a question worthy of Jerry Buchmeyer, I'll hear about it quickly. And, more importantly, if the judge telling the story neglects to mention the name of offending lawyer, some recipient will immediately ask for the identity of the lawyer.

Recently, a group of us was gathered for coffee. A judge was regaling everyone about a particularly frustrating lawyer who was being unusually difficult. As soon as the lawyer's name was revealed, half the room instantly groaned, rolled their eyes, and began launching into their own tales of woe

concerning this particular lawyer. Imagine the impression this made on those judges who hadn't yet had the good fortune to have this particular advocate appear before them. And imagine how wary one of these judges will be when that lawyer does make that first appearance.

The point is that your reputation will proceed you. Even if you're appearing before a judge for the first time, there's a decent chance that the judge has heard of you and may have an impression of you, be it good or bad. Just as lawyers talk endlessly about judges, judges talk about lawyers. Your reputation for candor is fleeting and can be quickly lost. Assume that your statements and conduct in court will spread around the courtroom and be made known to all.

One final point. Since judges lead fairly cloistered lives, judges also grow close to clerks and staff. It's surprising the number of times I hear from my clerk or coordinator that a lawyer has berated or threatened them. As soon as the phone call is over, care to guess what that staff person is going to do? Correct—they instantly tell the judge. Curiously, at the next hearing or phone conference, that lawyer may be syrupy sweet to the judge. Fortunately, we know better. We know how that same lawyer treated our trusted staff.

Just remember, judges talk—to each other and to our staff. Word gets around.

Judge Randy Wilson is judge of the 157th District Court in Harris County, Texas. Judge Wilson tried cases at Susman Godfrey for 27 years and taught young lawyers at that firm before joining the bench. He now offers his suggestions of how lawyers can improve now that he has moved to a different perspective. ★

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