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News

Judicial Ride-Along Program: Another Look, by Kathleen M. Loucks

01.24.11

I was fortunate enough to be able to participate in the Hennepin County Judicial Ride-Along Program last spring. My interest was piqued after reading the January 2010 article from Chris Morris who also participated in this program. Quite simply, this is an opportunity not to be missed by lawyers practicing in the Hennepin County judicial system. The ride-along provided me with insight into the Fourth District bench from the unique perspective of the judges.

First, I want to disabuse those readers who are under the erroneous impression that this program is only for new lawyers. After participating myself, I can say that lawyers both new and—dare I say—old can benefit greatly. In fact, the program itself is far from new, although clearly it has enjoyed a recent boost after Morris' article. In discussing the program with Judge Jay Quam, who leads the program, I discovered that the program has actually been in existence for over 10 years. Upon Quam's elevation to the bench in 2006, he felt that the judicial ride-along program presented a golden opportunity for lawyers and judges to work together, and better understand each other through a continuing dialogue. Quam has not only breathed new life into the program, he spends a great deal of time and effort managing the program and coordinating with members of the bench and bar.

My ride-along experience began in March 2010. I spent almost a full day with Judge Lloyd Zimmerman. Our day began with a summary judgment motion with respect to a client's failure to pay attorneys' fees pursuant to a retainer agreement. The summary judgment motion hearing was a cautionary tale and illustrated issues of client expectations, attorney billing practices, and the pitfalls in withdrawing from representation and then seeking to collect on unpaid fees. While one may think that such a motion hearing might be rather run of the mill, it was anything but ordinary. Specifically, one of the attorneys presented some fascinating arguments based on natural law. (One has to admire an attorney who has the gumption to argue based on natural law, especially when faced with a dearth of man-made precedent.) In any event, Zimmerman, after giving both sides more than ample opportunity to present their arguments, oppositions, and rebuttal, ruled from the bench. Those who have appeared before Zimmerman should not be surprised to know that he routinely rules from the bench given that he has spent so much time reviewing the briefs and conducting research in advance. Thus, after listening to oral arguments, he is well prepared to rule on the spot. Zimmerman delivered a fairly lengthy, seemingly extemporaneous, completely organized, logical and thoughtful ruling from the bench on the motion. (For those curious readers, the decision was guided by judicial precedent as opposed to natural law.)

The latter part of the day with Zimmerman was spent in a court trial over a property dispute. The dispute arose over what property had been sold by the buyer and purchased from the sellers. Listening to the attorneys conduct direct and cross-examination during the court trial was quite engaging. Most lawyers, including me, do not necessarily have the occasion to view other lawyers in practice. While the lawyers were skillful, the thing that struck me during the court trial was the attorneys'

proclivity in pursuing points which seemed obvious and that had already been made. Some lawyers find it difficult to resist the verbal thrust and parry. However, sometimes more is simply more. Much like the unpaid fee case from earlier in the day, I took this as a lesson in what not to do and vowed to guard against this in my future trial work.

My second day of the judicial ride-along program occurred in July with Judge Denise Reilly. We started our day with a criminal Rasmussen hearing in which we were able to view a videotape of a traffic stop. Reilly was asked to determine if there was probable cause for the stop based on the videotape. Following the hearing, Reilly and I spent some time discussing the day-to-day life of a judge on the Hennepin County bench, recent budget cuts, and anecdotes from our respective practices.

With respect to budget cuts, it occurred to me during the conversation that it is so easy for lawyers to focus on how budget cuts have affected the bar and our clients, but we fail to consider the effect of budget cuts on judges and judicial staff. As many may know, budget cuts have forced the demise of court-sponsored ADR services, which are now in large part handled privately on a pro bono basis. In addition, on Wednesday afternoon the counters are closed, and personnel vacancies are no longer filled. But for the ingenuity of the bench in instituting cost-saving measures, I am sure the bar would be feeling the effects of this crisis even more than at present.

In sum, I would wholeheartedly recommend the program for new lawyers and those like myself who have been practicing for a number of years. The chance to spend time with members of the bench, and meet their staff and observe courtroom proceedings from a judicial perspective is inestimable. Further, those practitioners who have had the occasional and unfortunate experience of appearing in front of a judge who seems unprepared or unreceptive, the ride-along program will be a welcome reminder that, by far, those experiences are an aberration. I was so impressed by the graciousness of the judges and their staff in responding to my endless questions, especially in light of their demanding schedules. The program provides a rare look at how judges are responding to issues that we present in court every day and shows the extraordinary competence and commitment by the members of the Hennepin County bench.

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