



Magistrate Judges from EDVA's Alexandria Division Participate in Bench-Bar Dialogue on Motions Practice

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All four magistrate judges from the Alexandria Division of the Eastern District of Virginia participated in a bench-bar dialogue organized last month by the Federal Bar Association's Northern Virginia Chapter. The event took place on May 13 at the Albert V. Bryan Courthouse in Alexandria. The panel of magistrate judges engaged with members of the bar on the subject of federal civil motions practice, and provided the Court's perspective on several issues important to patent cases and federal litigation generally.

Magistrate Judges T. Rawles Jones, Jr., Theresa C. Buchanan, John F. Anderson, and Ivan D. Davis constituted the panel for the event. Several members of the bar gave presentations covering topics such as magistrate-judge jurisdiction, general rules of motion practice, and the principles governing particular motions, e.g., motions to compel and motions to amend pleadings or join new parties. After each presentation, the magistrate judges responded to particular questions and provided insights on strategies attorneys can use in certain areas of motions practice.

Patent-specific issues were also raised by both the bench and the bar. Regarding the topic of privilege logs, the event moderator noted that collections of patent-prosecution files, which often have high numbers of privileged documents, are ideal candidates for "catalog" entries on the log. One of the magistrate judges noted that in patent cases (and other similarly complex cases), the meet-and-confer process often gets bogged down because the attorneys involved are either too combative or lack authority from the client to make compromises. This same judge noted that one technique the Court sometimes uses to solve this problem is requiring the parties (1) to identify a particular person responsible for representation during a meet and confer and (2) to provide that person with sufficient negotiating authority to reach binding agreements.

Other topics were also addressed. By way of example, on the topic of reply briefs, one of the magistrate judges observed that brevity is particularly important, with the most effective briefs focusing strictly on the opposition (rather than rehashing opening arguments) and being as short as one or two pages in length. Another magistrate judge commented that the reply brief, when done effectively, will "crystallize" the issues. For motions to amend pleadings that involve complex edits (as opposed to those simply adding or deleting a count entirely), the judges recommended including a redline version showing changes made to the original, which aids the Court in its analysis.

