

ABTL Judicial Profile

Magistrate Judge Carolyn Turchin

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Background

Since 1991, Judge Carolyn Turchin has served as a magistrate judge in the Central District of California. For four and a half of the eighteen years, from mid-1995 to 2000, Judge Turchin served as Chief Magistrate Judge. Judge Turchin is currently in her third term. In addition to her current service as a magistrate judge, she also serves on the Federal Bar Association Board. Before taking the bench, Judge Turchin had a diverse career. She worked as a public school teacher in South Central Los Angeles, a probation officer, a civil litigator, and an Assistant United States Attorney. During her tenure with the United States Attorney's Office, Judge Turchin served as Deputy Chief of Criminal Complaints and Deputy Chief of the Training Section.

Judge Turchin attended UCLA and UC Berkeley for her undergraduate degree, having received a drama scholarship for her freshman year. She earned her Lifetime Teaching Credential at UC Berkeley's graduate school of education. Then, after teaching for eight years and attending graduate school in psychology on a part-time basis, she attended law school graduating from Loyola Law School in 1978.

Civil Litigation

Magistrate judges spend approximately 30% of their time handling discovery disputes and settlement conferences, and they can try civil cases on the consent of the parties. At any given time, Judge Turchin is discovery magistrate judge on 300-400 cases. (Fortunately, not all of them are active at any given time.) Other duties include presiding over preliminary matters in federal felony cases, trying misdemeanors, and drafting dispositive recommendations and opinions in habeas corpus and social security cases.

Discovery Issues

Advice for Litigators

Judge Turchin urges attorneys to consider potentially applicable jury instructions very early in the litigation process. The jury instructions can be used as guidance when drafting discovery, interviewing witnesses and preparing for and taking depositions.

Discovery Disputes

While Judge Turchin believes that Local Rule 37 is very clear on its face, she finds that attorneys behave as thought it is ambiguous. Judge Turchin, therefore, maintains very clear instructions on the rule in her Notice to Counsel. Local Rule 37 governs behavior of counsel during discovery and requires counsel to meet and confer prior to filing discovery motions. If the parties are unable to reach an agreement, they are required to file a joint stipulation setting forth all disputed issues. After filing the joint stipulation, each party may file a supplemental memorandum of law up to fourteen days prior to the hearing date. Judge Turchin prefers the joint stipulation to be focused on currently disputed matters. If the parties cannot agree on a joint introductory statement, the moving counsel's introductory statement should be followed by that of the opposing counsel. With respect to the issues in dispute, the moving counsel's contentions together with the relevant points and authorities should be followed by that of the opposing counsel. While the court typically hears discovery disputes on Mondays at 2pm, counsel should always submit their briefs anticipating that the motion will be decided without oral argument. Judge Turchin warns counsel that if they submit a supplemental memoranda with authority or information that was available at the time the joint stipulation was filed, new information and/or authority may not be considered.

Ex Parte Applications

Judge Turchin instructs counsel not to file ex parte applications except in extreme emergencies that are not attorney created. Her Notice to Counsel clearly states, "Ex Parte application are an unacceptable method of bringing a discovery disputes to the attention of the court." An "attorney created emergency" is one that the attorney could have avoided had the attorney acted early. Judge Turchin believes it is fundamentally unfair for a party to file an ex parte application and cut ahead of all of the other litigants who have followed the rules. In her entire eighteen years as a magistrate judge, Judge Turchin has only granted three or so ex parte applications on the merits.

Use of Sanctions

Judge Turchin will rarely impose monetary sanctions. She finds these sanctions unhelpful in resolving disputes and, in the cases of sophisticated business clients, believes sanctions are often seen merely as the cost of doing business. However, Judge Turchin believes that the worst sanctions for a party is not to be heard on a disputed issue, and she warns counsel that an attorney who fails to follow the rules in good faith risks such a sanction.

Oral Arguments and Telephonic Hearings

Judge Turchin strongly encourages attorneys to draft their briefs with the assumption that they will not be provided an opportunity to present oral argument. If an attorney is provided time for an oral argument, oral argument will most likely take place in person. The attorney that signed the brief must be the same attorney to present the oral argument. On occasion, Judge Turchin will use telephonic hearings, but only if she needs clarification on a very discrete issue or she believes the parties can resolve a dispute on their own with a little help from the court. Judge Turchin's telephonic hearings are typically no longer than five minutes.

Tentative Rulings

Judge Turchin almost always provides an oral tentative ruling before argument. Due to time constraints, she rarely provides written tentative rulings.

E-Discovery

Judge Turchin highly recommends that litigators consult with computer savvy counsel early on in litigation in order to develop best practices for addressing document requests for computer data in connection with civil litigation.

Consent Cases

How often does Judge Turchin preside over consent cases?

Judge Turchin has presided over consent cases but has found that most of them settle prior to trial.

When Judge Turchin tries a consent case, how does she run voir dire?

Judge Turchin believes the court should conduct voir dire after counsel submit questions for her review so the jurors are not biased by the fact that one party or another is asking the question. Judge Turchin will, however, permit attorneys to pose follow up questions to the jury.

Settlement Conferences

Required Attendance

Judge Turchin requires the attorney who will try the case to appear at the settlement conference along with the parties and with the person or persons having full authority to negotiate and settle the case.

Confidential Settlement Conference Statement

At least five business days before the settlement conference, Judge Turchin requires counsel to submit a letter, not to exceed five pages, setting forth the party's statement of the case and the party's settlement position, including the last offer or demand made by that party and a separate statement of the offer or demand the party is prepared to make at the settlement conference. If Judge Turchin does not believe the parties are candid with their settlement offers, or if it is clear the parties have not discussed settlement, she will order the parties to meet and prior to the conference.

How are settlement conferences run?

Judge Turchin holds settlement conferences in the courtroom and will use the witness rooms for caucus. She believes this helps parties feel that they have "had their day in court." Judge Turchin will have the parties sit in the jury box while counsel for each side presents short (approximately five minute) opening statements. She encourages counsel and the parties to listen to opposing counsel set forth their position as counsel are routinely better at advocating than listening.

What is a big incentive for settling a federal civil trial?

The unpredictability of the result at trial and time and monetary resources spent on trial encourage settlement.

Advice To Attorneys

During her interview, Judge Turchin supplied a list of the top do's and don'ts for briefs submitted to the court. She suggests that attorneys be sure to: (1) cite to controlling authority; (2) cite check the authority cited; (3) provide a table of contents and table of authorities even if not required; (4) proofread; (5) summarize arguments at the beginning of the brief; (6) underline and use persuasive headings; (7) provide context before details and include the procedural history with a one paragraph factual summary and a list of the issues presented; (8) use topic sentences in each paragraph; (9) use exhibits tabs for the chambers copy; and, (10) preferably cite published opinions.

And, as for what not to do, Judge Turchin suggests that counsel should not: (1) ignore negative binding precedent; (2) exaggerate; (3) ignore the court's instructions; (4) include superfluous background facts; (5) request permission to file a brief in excess of the page limitations before the brief has been carefully edited to omit all superfluous material; (6) use "run-on" paragraphs; (7) include more than one issue or argument in a paragraph; (8) ignore counter arguments; and, (9) use the passive voice.

Outside Of The Courthouse

Judge Turchin maintains a diverse and active life outside of the courthouse. She is a curious person who enjoys traveling and exploring local neighborhoods. In her down time, Judge Turchin attends theater and concerts, cooks, and relaxes by watching various PBS specials. She also very much enjoys walking around local farmers' markets. Judge Turchin is an avid reader, and might write travel guides one day.