

ABTL Judicial Profile

Magistrate Judge Paul L. Abrams

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Background

Magistrate Judge Paul Abrams graduated from the University of California, Berkeley in 1979 with a bachelor's degree in political science and Near Eastern studies. In 1983, he received his J.D. from the University of California, Berkeley School of Law. Following law school, Judge Abrams practiced as a litigation associate with the law firm Jeffer, Mangels & Butler. Then, in 1985, Judge Abrams became the head of Bet Tzedek Legal Services' San Fernando Valley office, an organization that provides free legal services to the poor. Transitioning from public service to government service, in 1987 Judge Abrams joined the Federal Public Defender's Office in Los Angeles, California. At the Federal Public Defender's Office, he attained the position of Supervising Deputy Attorney. In 2002, Judge Abrams was appointed U.S. Magistrate Judge for the Central District of California by district court judges of that court.

With his free time, Judge Abrams coaches and referees youth soccer and is active in his synagogue.

Magistrate Judge Background

On the bench, Judge Abrams' docket primarily consists of civil matters, however he also oversees some criminal misdemeanor and felony matters. Specifically, a substantial portion of Judge Abrams' docket consists of habeas corpus cases, civil rights cases, and social security benefit appeals.

Describing the role of magistrate judges in the context of the federal court system, Judge Abrams explains that every civil case is assigned a federal district court judge and a federal magistrate judge. District court judges preside over most phases of a case, and magistrate judges are primarily responsible for discovery and settlement procedures.

While Judge Abrams most regularly oversees discovery and settlement discussions, he also presides over "consent cases." In consent cases, Judge Abrams hears preliminary motions, supervises discovery, and presides over jury and bench trials.

Judge Abrams also explains that the Magistrate Judge Pilot Project ("Pilot Project"), a new program effective as of January 1, 2009, will likely change the number of proceedings in which magistrate judges preside over all aspects of a case. The Pilot

Project assigns some civil cases directly to a magistrate judge, as opposed to a district court judge. In cases when this assignment occurs, the court clerk notifies litigants of the assignment and provides them with a date by which they must consent to the magistrate judge's assignment. With the consent of the litigants, the magistrate judge takes primary responsibility for all aspects of the case. Although early in the program, Judge Abrams believes that the Pilot Project has the potential to benefit the court system by relieving the heavy caseload burden on district court judges, and to provide parties with more certain trial dates.

Questions And Answers

Ex Parte Applications

- What experience do you have with ex parte applications?

Judge Abrams has extensive experience with ex parte applications. He also says that they are greatly overused. Judge Abrams explains that ex parte applications are often submitted simply because the party failed to act in a timely manner.

Judge Abrams is particularly strict when considering an application that does not comply with the local discovery rules, including deadlines. Judge Abrams explains that a party's obligations under discovery rules are quite clear, and thus, there are few legitimate reasons for missed deadlines.

- What general advice do you have for attorneys regarding ex parte applications?

When filing an ex parte application, Judge Abrams advises attorneys to not only show that a legitimate emergency as to the proceeding exists but to also clearly explain why it is an emergency. Specifically, Judge Abrams will only go to the merits of the ex parte application if the attorney shows that the emergency was not of his or her own making.

For instance, if a party seeks to postpone a scheduled deposition, the attorney may sufficiently demonstrate a meritorious ex parte application by documenting that the deponent is sick and unable to attend the deposition.

Pretrial

- Do you have a law or motion pet peeve?

Judge Abrams' pet peeve is when it appears from the papers that the parties are not talking to each other. He expects parties to attempt to resolve disputes on their own before resorting to court motions.

Judge Abrams explains that discovery disputes, particularly, can expend an enormous amount of time and resources, both for the court and for the client. Thus, parties should only engage in discovery dispute if they cannot avoid the conflict.

- Do you generally issue tentative rulings? If not, are there situations in which you do? What are those situations?

Judge Abrams does not usually see a need for tentative rulings. Currently, when overseeing discovery, Judge Abrams generally makes his decisions on the papers presented to him.

However, earlier in his career as a magistrate judge, Judge Abrams heard more oral arguments during discovery. When something was unclear, Judge Abrams would issue a tentative ruling to indicate to counsel what he was thinking on the issue and to provide counsel with an opportunity to respond.

- What is your willingness to engage in alternate procedures for motion practice?

Judge Abrams identifies one area where he will engage in alternate procedures. If he sees numerous frivolous motions, especially early in the discovery process, he may halt discovery and force the parties to meet and confer. In order to encourage productive sessions, parties will often meet in the presence of a court reporter and file a transcript of the meeting.

- What circumstances do you hear oral argument?

In the context of discovery, Judge Abrams primarily rules on the papers. However, he will occasionally hear oral argument if something is unclear in the papers. For instance, when it appears that a party is not being completely forthright, Judge Abrams might bring counsel in and put the party on the stand.

- What are your thoughts on the use of written discovery and discovery disputes in general?

Judge Abrams believes that discovery works efficiently when the process is utilized. When parties do their due diligence and file timely requests, discovery functions fairly well. However, when parties do not abide by the process, such as not following the local rules, Judge Abrams observes inefficient discovery proceedings.

Judge Abrams specifically perceives problems in the manner in which parties respond to discovery requests. Vague or unfounded boiler plate responses can prolong discovery and waste the time of all involved.

- What is your experience with summary judgment motions? Do you see abuse in the use of summary judgment motions?

Judge Abrams hears and decides summary judgment motions primarily in consent cases or in civil rights cases. In those civil rights cases where he presides over all aspects of the proceeding, Judge Abrams writes advisory opinions either recommending a grant or denial of a summary judgment request.

While Judge Abrams has observed some unmeritorious poorly written motions, he has not experienced an abuse of the system through summary judgment motions.

- What general advice do you have for attorneys regarding written briefs?

Judge Abrams advises attorneys to look at the local rules to find what is required when submitting a written brief. For instance, if Judge Abrams receives a noticed motion, but the local rules require a joint stipulation, he will not go to the merits of the motion. Judge Abrams also observes instances where the parties abide by the local rules, but scatter the issues in different documents. Judge Abrams advises attorneys to carefully present the issues so that the merits of the motion can be analyzed most effectively.

Judge Abrams also occasionally receives written briefs with poor grammar and mistakes. He warns that this lack of care reflects poorly on the attorney. Judge Abrams recommends careful proofreading and the use of spell check.

Further, Judge Abrams believes that exclamation points, and other written embellishments, rarely belong in a legal brief. He prefers that an attorney not act as if he or she is writing a novel. As a bottom-line person, he explains that unnecessary flourishes will not make him emotional about a case. Thus, Judge Abrams advises that lawyers avoid rhetoric and just clearly lay out their arguments.

- What general advice do you have for attorneys regarding oral argument?

Judge Abrams' main piece of advice is for attorneys to carefully listen to the question being asked and to answer only that question. Attorneys, Judge Abrams observes, often come in with a script of what they want to say; however, their script may not follow what the judge thinks is important to the case. The questions Judge Abrams asks should convey what concerns he has with the motion, or where he is leaning.

If Judge Abrams asks if the attorney would like to express anything else, that is the time for the attorney to bring up other issues.

Settlement Conferences

- Do you assist in the settlement of parties?

Judge Abrams does assist in settlement discussions. Judge Abrams explains that in every civil district court case, parties must choose a settlement procedure. More often than not, the parties elect to use the magistrate judge assigned to the case.

When parties attempt to settle a dispute, they set up an appointment with the court clerk and meet in the presence of Judge Abrams. In some instances, Judge Abrams will meet with the parties just once, and in other instances, where more oversight is necessary, he will sit with them over the course of multiple sessions.

- What do you see as your role in the settlement process?

Judge Abrams does not view his role as an evaluator of the merits of the case. He instead focuses on trying to find common ground in the dispute. Often, Judge Abrams observes, the parties are too involved in the case to see where their mutual

interests exist. Thus, he will often work with each side, taking their positions, and then going back and forth between the parties until they can reach an agreement.

Judge Abrams also sees himself as an information provider. By supplying pertinent pieces of information, such as the risks involved in trial, Judge Abrams tries to provide motivation for each side to settle outside of trial. Judge Abrams' trial experience is useful in this regard as he is able to explain what to expect if the settlement fails and the case proceeds to trial.

Trial

- What are your views on the use of motions in limine? Do you place limits on the number of motions in limine that a party can bring?

Judge Abrams thinks that motions in limine are valuable to the extent that they resolve a number of the issues up front that otherwise might hinder the trial or result in the jury hearing something that it should not have heard.

Judge Abrams personally has not experienced an overuse of motions in limine. However, he has observed other cases where the list of motions is excessive. While he would not set limits on the number of motions in limine that parties may bring, he would encourage counsel to combine their motions when possible.

- How do you conduct jury selection generally? What parameters do you set for questions directed towards the jury?

Judge Abrams does jury questioning with input from counsel. However, in future trials, he is contemplating allowing each side some time to address the jury panel.

- What are your views on the use of juror questionnaires?

In the right case, Judge Abrams would allow the use of juror questionnaires. If the case is a straightforward dispute, Judge Abrams is not inclined to not allow the use of questionnaires.

- What are your views on the use of trial briefs? Do you require them?

Judge Abrams views trial briefs as helpful, and he does require them.

- Do you limit the number of hours for trial? How do you determine how much time should be allocated for a trial?

Judge Abrams does give trial time limits. He finds this restriction keeps trials moving along by helping attorneys hone their questions and streamline their cases.

Judge Abrams determines the timeframe on a case-by-case basis, gauging the complexity of the issues and how many witnesses each side will likely call.

- What is your approach to objections? Specifically, do you allow sidebar objections?

Judge Abrams generally prefers not to have sidebar objections. In some situations, though, he does encourage parties to use sidebar objections. For instance, Judge Abrams will tell counsel in advance to ask to approach the bench if certain sensitive issues arise during the course of the trial. Judge Abrams explains that he would rather have sensitive issues brought before him privately than in front of the jury.

- What are your views on the use of technology in the courtroom? Does your courtroom have an audio-visual coordinator counsel may contact? What technological equipment is available in your courtroom?

Judge Abrams thinks that technology in the courtroom is a great development. He views the relatively simple ELMO Visual Presenter as an enormous advance over the overhead projectors previously used. Specifically, Judge Abrams finds great use to being able to show the actual document at issue and manipulate it such that the pertinent parts are highlighted.

Additionally, Judge Abrams finds that Central District of California courtrooms are well-equipped with the technology, and the courthouse has very competent audio-visual coordinators.

- Do you permit the playing of video portions of deposition for impeachment purposes?

Judge Abrams has not encountered this issue yet.

- Do you have any general advice for attorneys regarding opening statements or closing arguments?

Judge Abrams advises that attorneys keep their opening statements and closing arguments focused. Particularly in bench trials, Judge Abrams recommends that counsel should not treat the proceeding like a television drama. Contracts cases, for instance, are not typically emotional and should be treated accordingly.

Judge Abrams also advises attorneys not to be overly dramatic when presenting their case to a jury. In Judge Abrams' trial experience, he believes that jurors know when counsel is playing games. Jurors take their jobs very seriously and they want to get to the proper decision. Judge Abrams recommends that attorneys tell jurors what the case is about, why their side should win, and how the jury can get to that point.