

*ABTL Judicial Interview Project
Federal District Court Judge Ronald S. W. Lew (Central District of CA)*

General Background

Judge Ronald S. W. Lew was appointed to the U.S. District Court of California by President Ronald Reagan in 1987. He received his B.A. from Loyola University, Los Angeles in 1964, and his J.D. from Southwestern University School of Law in 1971; during law school, he was drafted into the Vietnam War, serving for three years in the Army. After graduating law school, Judge Lew worked as a deputy city attorney in the Los Angeles City Attorney's Office from 1972 until 1974, his first half spent in the criminal division, primarily handling misdemeanors, and his second half spent in the civil division. He went into private practice from 1974 until 1982, handling both criminal and civil matters. He was a Los Angeles fire and police pension commissioner from December 8, 1975 until 1982. He became a Los Angeles Municipal Court Judge in 1982, and served until 1984, when he became a Judge in the Los Angeles Superior Court. He was a judge in the Superior Court until 1987, when he ascended to the federal bench.

Pretrial Matters

What factors do you consider in deciding whether to grant a trial continuance?

Judge Lew determines whether to grant a trial continuance based on its reasonableness. Continuances are not automatic, and will not be granted simply because attorneys submit a stipulation. Stipulations for continuances must be reviewed by the court.

What do you consider in deciding whether to grant 12(b)(6) motions?

Judge Lew closely follows the procedural rules for granting 12(b)(6) motions, and will grant 12(b)(6) motions based on the facts, sensitive to the case. He has granted such motions recently.

What factors do you consider in deciding whether to grant summary judgment?

When deciding whether to grant summary judgment, Judge Lew looks to see if there is an issue of material fact; if there is an issue of material fact, summary judgment will not be granted. If there are sufficient undisputed facts, the motion will be granted. Judge Lew will not grant summary judgment to get rid of a case.

What are your views on tentative rulings?

Judge Lew will sometimes take matters under submission, but argument will be entertained and issues heard. He does not find tentative rulings particularly enlightening, but rather that they invite repetitive arguments. He does believe that it is instructive for lawyers for a judge to use tentative offers, but this creates additional work, most of it not worthwhile.

Do you allow telephonic appearances?

Judge Lew requires that his approval be given prior to allowing telephonic appearances.

What advice do you have for attorneys regarding written briefs?

Judge Lew's advice to younger associates is to strive for clarity and comprehensiveness. In writing complaints, attorneys should be forthright about the facts of the case. Attorneys should also not be conclusory without support. Further, though the federal standard pleading is

generally low, certain actions require a higher standard of pleading, and attorneys must be aware of these actions in drafting the initial complaint. Judge Lew favors seeing complaints done well initially, and disfavors complaints that must be amended multiple times.

How do you interact with magistrate judges?

Judge Lew interacts with magistrate judges primarily during the discovery process. Most judges will give magistrate judges discovery work, and also some portions of civil matters; there is a pilot project currently, under which a magistrate judge will handle an entire case, if the attorneys agree.

What is your role in the discovery process?

For Judge Lew, the discovery process is largely handled by the magistrate judge. Still, he must agree to the magistrate judge's report and recommendation on dispositive motions, and discovery motions or sanctions may come to him for further consideration, though this is rare.

Do you allow the parties to use a special master?

Judge Lew will allow special masters for the discovery process, where the complexity of the case makes it appropriate.

How does practice on the federal bench differ from practice on the state bench?

Judge Lew finds that the practice of judging does not differ between the federal and state benches; however, the practice before the courts can be very different.

Trial

Do you limit the number of hours a side may have at trial?

Judge Lew does not limit the number of hours available to a side at trial, but he will control the time that a side has. Judge Lew asks attorneys to give him a reasonable estimate beforehand, and he will keep the case proceeding with the estimate, though that estimate may need to be shortened or lengthened.

Can you describe the voir dire process in your court, and your involvement with the process?

For the purposes of voir dire, Judge Lew initially requests attorneys submit written questions for prospective jurors. He then uses these for the purpose of questioning the jury. After questioning, a party may ask the court for follow-up questions; he notes it is rare for parties to ask for such additional questions. He does not allow attorneys to question the jury. His experience in state court was that attorneys would use this opportunity to question jurors ad nauseum.

What are your views on the use of technology in the court room? Do you permit the playing of video portions of deposition for impeachment purposes?

Judge Lew does allow video portions of depositions to be played, both for impeachment and, so long as it has been approved by the other side, during opening statements. He will not, however, allow an unreasonable amount of video playing. For video presentations, one of the sides will normally bring in the appropriate equipment, though he believes ELMO presentation equipment is available.

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

Judge Lew's advice to attorneys regarding oral argument is to be clear, concise and be complete. Judge Lew disfavors repetitive argument: if the argument is in the papers before the court, attorneys do not advantage themselves through repetition. He does recognize that the attorney's role here is a difficult one, as the attorney must ensure that the judge understands the papers. Judge Lew believes the purpose of oral argument is to elucidate the matter for the court; however, after oral argument, the case is for the judge to decide.

Do you have any thoughts about the use of bench books at trial?

Most trials before Judge Lew are jury trials. His greatest concern about jury trials is the fairness and partiality of the jury. He finds the use of bench books is good practice, and wishes that attorneys agreed to use them more, especially with complex cases. He would like to see bench books used, even if only for basic facts, such as the names of the parties and witnesses. He also favors submission of depositions in print, so that the jury can follow along with deposition testimony used during trial.