

ABTL Judicial Interview Project
Federal District Court Judge Terry J. Hatter, Jr. (Central District of California)

General Background

Judge Terry J. Hatter, Jr. was appointed to the United States District Court for the Central District of California by President Jimmy Carter in 1979. He served as Chief Judge from 1998 to 2001, and assumed senior status in 2005.

A Chicago native, Judge Hatter received his B.A. from Wesleyan University in 1954, and his J.D. from the University of Chicago Law School in 1960. After graduating law school, he worked in the Chicago area until 1962, serving first as an adjudicator for the U.S. Veterans Administration and then as an assistant public defender for Cook County, Illinois.

From 1962 to 1966, he worked as an Assistant U.S. Attorney in the Northern District of California, also serving as Special Assistant U.S. Attorney in the Eastern District from 1965 to 1966. In 1966, he served as chief counsel of the San Francisco Neighborhood Legal Assistance Foundation and then, in 1967, as regional legal services director of San Francisco's Office of Economic Opportunity.

In 1970, Judge Hatter began working in Los Angeles. He held the positions of executive director of the Western Center on Law and Poverty (1970–1973), associate clinical professor of law at the University of Southern California Law Center (1970–1974), and professor of law at Loyola University (1973–1975). Between 1974 and 1977, he worked as a special assistant to the mayor of Los Angeles, first as director of criminal justice planning and then as director of urban development. He was a judge in the Los Angeles County Superior Court from 1977 until his appointment to the federal bench.

Judge Hatter is dedicated to civic leadership beyond his position as a judge, and has served on numerous boards including those of Project Restore and the Western Justice Center Foundation. He is also a prominent voice on criminal sentencing issues, particularly the issue of judicial discretion in sentencing drug offenders.

Pretrial Matters

Law and motion pet peeves

Judge Hatter would advise attorneys to stand before the lectern and avoid theatrics. They should come to court prepared with succinct arguments.

Continuances

Judge Hatter will grant continuances if they are necessary to one side and the other does not object.

12(b)6 and Summary Judgment Motions

Judge Hatter welcomes both 12(b)(6) and summary judgment motions as long as the attorneys are prepared.

Tentative rulings

While Judge Hatter recognizes that they may be helpful for attorneys, he does not give tentative rulings because he usually lacks the time — a luxury for an understaffed court.

Advice for attorneys regarding written briefs

Judge Hatter strongly disapproves of poor mechanics and inadequate editing in writings submitted to the court, and he has little patience for attorneys who blame their associates or secretaries for grammatical and other errors. He views sloppy writing as an indication that the attorney responsible lacks the appropriate level of commitment to the case.

Judge Hatter also believes that attorneys should generally support their arguments with authority from California state courts and the Ninth Circuit. In his view, heavy reliance on precedent from other jurisdictions is the sign of a weak case.

Role in the discovery process

Judge Hatter prefers to allow the magistrate judges to manage discovery, and has a high opinion of their abilities in this regard. He has seen that disputes often arise when opposing attorneys become discourteous or lose their temper during depositions. He also observes that attorneys tend to be more courteous and professional in criminal litigation than in civil litigation.

Trial

Trial time limits

Given the heavy case load in the Central District, Judge Hatter favors time limits for each side in civil cases. The appropriate amount of time depends on the complexity of the case. He sets the time limit during pre-trial conference, but may revise the limit later if it seems necessary.

Judge Hatter does not impose time limits in criminal trials, but if examination is becoming excessive, he may limit the time available for a particular re-cross or re-direct to, for example, five minutes.

Motions in limine

Judge Hatter does not strictly limit the number of motions in limine a party may make. If a party has a large number of motions, he may decide not to rule on all of them, however, in which case he will ask the party to prioritize.

Voir dire

Judge Hatter does not allow attorneys to directly question jurors. Rather, he asks the parties to submit a list of questions that he uses for guidance in his own questioning. If he does not ask a question that a party feels is important, he will entertain their arguments on the matter.

Sidebars

Judge Hatter disapproves of sidebars. He feels that they are rarely productive and generally serve to distract and confuse the jury.

Technology in the courtroom

Judge Hatter does not personally favor heavy use of audio-visual technology, and observes that technical problems almost invariably arise, causing delay. His personal preferences notwithstanding, Judge Hatter freely permits the use of PowerPoint, ELMO and video presentations, including videotaped depositions, where appropriate. He surmises that some jurors may find these formats more accessible.

Advice for attorneys regarding courtroom conduct

Judge Hatter believes that courtroom decorum is important. For example, he disapproves of attorneys who fail to preface arguments with “may it please the court.” Attorneys should address the court as “Your Honor” and the jury as “ladies and gentlemen of the jury.” Opposing attorneys should also be respectful of one another. Judge Hatter does not permit attorneys to approach the witness stand or juror box.

Advice for attorneys regarding opening statements

Judge Hatter notes that attorneys are commonly too long-winded in their opening statements. To achieve brevity, attorneys should focus on stating what they think the evidence will demonstrate.

Advice for attorneys regarding witness examination

Judge Hatter observes that the best attorneys have a clear idea of where they are and where they are going when examining witnesses. In contrast, many inexperienced attorneys fail to recognize when to stop, and end up diluting or negating helpful testimony.

Ex parte applications

Judge Hatter recognizes that circumstances may necessitate ex parte proceedings, and grants applications accordingly. Nevertheless, he advises that an applicant always attempt to contact opposing counsel first. He notes that many ex parte applications are frivolous.