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BASIC FEDERAL PRACTICE

2007

Course No. 0444C

Disk 1 of 5

SPEAKER: HONORABLE JAMES D. WHITTEMORE
U.S. District Judge

TRANSCRIBED BY: Michael J. Borseth
Court Reporter
Notary Public

1 lawyers. I'm sure they didn't have much in the way
2 of a defense. It's just an example of the erosion
3 of professionalism. The lawyers lost sight of what
4 they were doing, priorities got skewed, and it's
5 sad.

6 If you think that's the only example of
7 wayward lawyer conduct during depositions just get
8 on the internet and search around. It's just
9 hilarious some of the things that go on. There
10 have been fist fights in Tampa. There has been
11 coffee thrown across the table by one lawyer
12 against another in a Federal deposition room in the
13 Federal courthouse. There have been lawyers
14 clipping their nails during depositions. That kind
15 of conduct is reprehensible.

16 Well, we're here to talk about Federal Court
17 practice. All of this translates in the Federal
18 practice, even easier perhaps in State Court
19 practice because you're not going to be in front of
20 a Federal Judge for a hearing as often as you might
21 be in State Court. We don't conduct as many
22 hearings on motions as our counterparts in State
23 Court do.

24 I see what I call the anonymity factor. If
25 you think about when you're drafting that brief,