

Richmond FBA Hosts Judge Payne at Lunch and Learn Event

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On December 5, the Richmond Division of the Federal Bar Association hosted a *Lunch and Learn* panel for chapter members, area practitioners, and a special guest — the Honorable Robert E. Payne. The panel, titled “Procedural Pitfalls for Civil Practitioners in the Eastern District of Virginia: Insights from Senior Judge Robert E. Payne,” was co-moderated by Tim St. George, a former Richmond Division chapter president and law clerk to Judge Payne, and David Anthony. Tim and David, both partners at Troutman Pepper, have special experience handling cases in the E.D. Va. and understand the unique rules, risks, and pitfalls for litigants practicing in this division.

During the hour session, Judge Payne fielded questions regarding the initial pretrial conference, discovery and discovery disputes, motions practice, hearings, and sealing and confidentiality concerns. He encouraged the 70+ attendees to tackle the hard questions in briefing, the importance of knowing the case, and being prepared to address issues when coming to the pretrial conference. Given the ever-increasing complexity of litigation, Judge Payne places a premium on attorneys to educate him on topics such as changing technology. But, he cautioned counsel to be thoughtful regarding motions used simply to “educate” him about a case. Judge Payne also reminded and thanked the Richmond federal bar for reigning in the sometimes-irrational impulses of non-Virginia/Richmond co-counsel. He prefers parties to address discovery disputes with him via telephone, rather than motions practice, and sooner rather than later. Judge Payne also counseled parties making a proportionality argument to come prepared with facts — the *why* — how *expensive*, how *long*, etc. Likewise, parties arguing that particular discovery requests are unduly burdensome should be sure to focus on why the request is *unduly* burdensome, as all discovery is burdensome to some degree.

Scheduled throughout the year, the Richmond Federal Bar Association *Lunch and Learn* sessions offer an informative and informal opportunity for chapter members and practitioners to learn from Richmond Division experts on a variety of topics.

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