

On the Record

Daniel Navarro had not expected to still be nervous in a courtroom five years out of law school. But Judge Harlan Briggs had a way of producing that effect. Briggs had been on the federal bench for over two decades, and his reputation preceded him in the way that reputations do in small legal communities: not through formal complaints or published criticism, but through the accumulated shorthand of associates warning each other in hallways. "Don't expect much in a contract dispute. He's got a type, and your client isn't it." Daniel had taken this as background noise. Judges had tendencies. That was different from bias, and he was careful about the distinction.

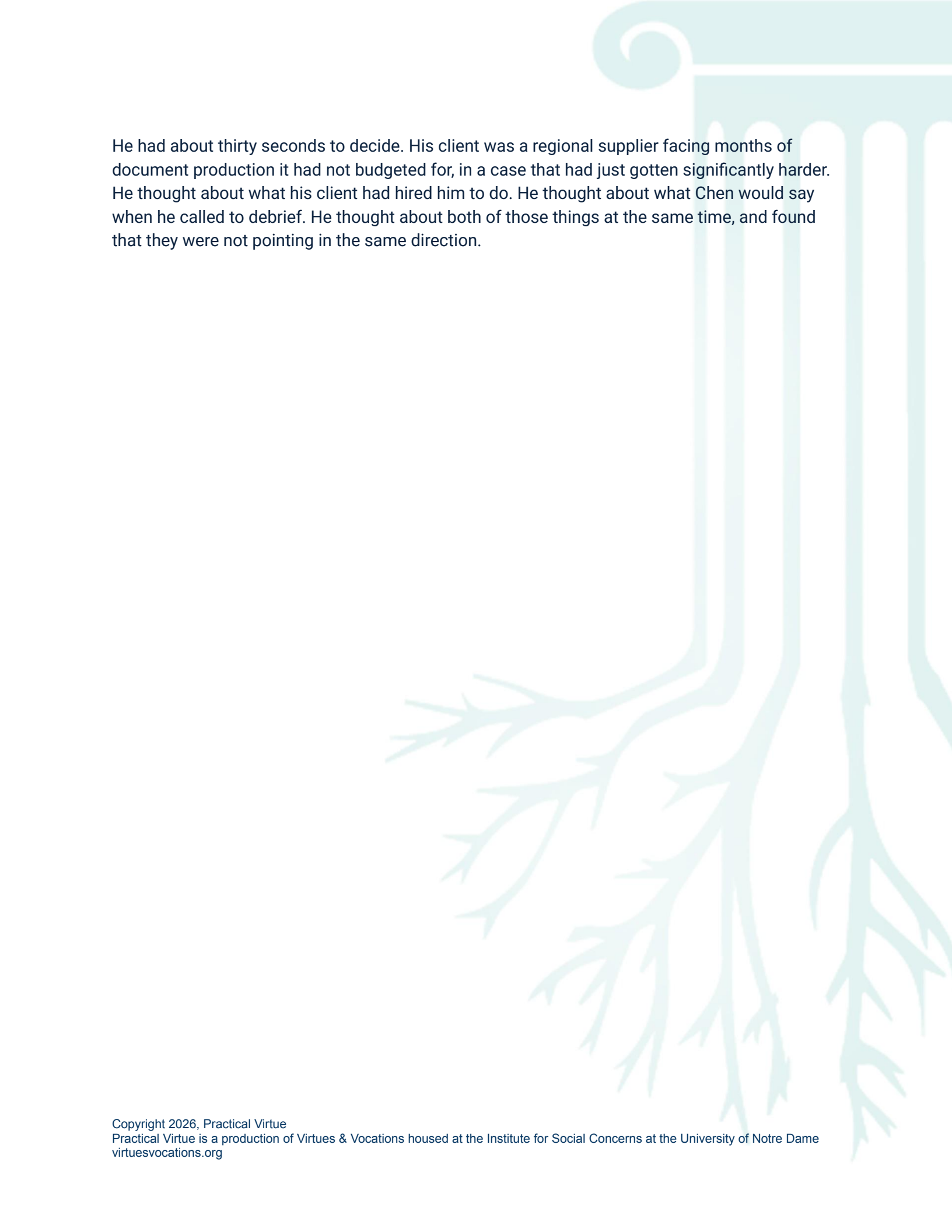
The hearing was a preliminary matter in a commercial dispute between two mid-sized companies. Daniel's client, a regional supplier, was the defendant. The question before the court that morning was a procedural one about which documents the plaintiff was entitled to request in the discovery process. Daniel thought his position was strong. His brief had been thorough, the case law was on his side, and even Marcus Chen, the senior partner who had handed him the file, had said he'd done good work. What Chen had not done was say much about Briggs, or about what to do if the hearing went sideways.

It went sideways. Briggs did not appear to have read the brief. He ruled from the bench, quickly and without explanation, granting the plaintiff's request in full. The ruling was not just unfavorable. It was, in Daniel's reading, flatly inconsistent with the controlling precedent he had cited. It would expose his client to months of costly document production and significantly strengthen the other side's leverage.

He knew he could object. Placing an objection on the record was a standard legal tool—it preserved the issue for appeal and created a formal record of his position. It was not dramatic or unusual. What made it complicated was not the judge. It was what would happen when he got back to the office.

Chen had been managing the firm's relationship with this court for fifteen years and had never once objected on the record to Briggs. Daniel had figured this out on his own; nobody had told him directly. What he did know, from a conversation Chen had with another partner that he had not meant to overhear, was that the firm had three other matters before Briggs currently and two more in the pipeline. Chen's approach was to move cases along, manage client expectations, and preserve the relationships that kept work flowing. An objection on the record from a fifth-year associate, on a motion Chen had handed off without much guidance, was not part of that approach.

Daniel was also eight months from his partnership review.

A faint, light blue background illustration. On the right side, there is a classical column with a fluted shaft and a capital featuring a scroll. From the base of the column, a network of tree roots extends across the lower half of the page, branching out towards the left.

He had about thirty seconds to decide. His client was a regional supplier facing months of document production it had not budgeted for, in a case that had just gotten significantly harder. He thought about what his client had hired him to do. He thought about what Chen would say when he called to debrief. He thought about both of those things at the same time, and found that they were not pointing in the same direction.